

भारत का राजपत्र The Gazette of India

प्रतिष्ठित एवं प्रामाणिक
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सं. 25]

नई दिल्ली, शनिवार, जून 21, 1997/ज्येष्ठ 31, 1919

No. 25]

NEW DELHI, SATURDAY, JUNE 21, 1997/JYAISTHA 31, 1919

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—अध-खण्ड (II) PART II—Section 3—Sub-section (II)

भारत सरकार के विभागों (अन्य मंत्रालय को छोड़कर) द्वारा जारी किए गए औपचारिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

(न्यायिक अनुभाग)

नई दिल्ली, 9 मई, 1997

MINISTRY OF LAW & JUSTICE

(Department of Legal Affairs)

(Judicial Section)

New Delhi, the 9th May, 1997

का.आ. 1562—जब कि केन्द्र सरकार ने नोटरी अधिनियम, 1952 (1952 का 53) की धारा 10 के खंड (घ) द्वारा प्रदत्त शक्तियों के अधीन जांच के उपरान्त यह पाया है कि श्री अरुण कुमार शर्मा ने, जिन्हें केन्द्र सरकार द्वारा नोटरी नियुक्त किया गया था, अपने कदाचार के कारण स्वयं को नोटरी के रूप में कार्य करने के अयोग्य कर बिधा है।

2 अतः अब, नोटरी नियम, 1956 के नियम 13 के साथ पठित नोटरी अधिनियम, 1952 की धारा 10 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा श्री अरुण कुमार शर्मा को जलंधर, पंजाब में नोटरी के रूप में कार्य करने के लिए दिए गए प्रमाणपत्र (पंजीकरण सं. 577) को रद्द करने का आदेश देती है और उन्हें नोटरी के रूप में कार्य करने से वारित करती है।

[सं. एफ. 5(134)/93-न्या.]

एन० सी० जैन, सक्षम प्राधिकारी

S.O. 1562.—Whereas the Central Government upon the inquiry under the powers conferred by Clause (d) of Section 10 of the Notaries Act, 1952 (53 of 1952), found that Shri Arun Kumar Sharma, a Notary appointed by the Central Government rendered himself unfit to practise as a Notary for his misconduct.

2. Now, therefore, in exercise of the powers conferred by Section 10 of the Notaries Act, 1952, read with Rule 13 of the Notaries Rules, 1956, the Central Government hereby order of cancellation of Certificate of Practice (Regd. No. 577) granted to Shri Arun Kumar Sharma as Notary at Jalandhar, Punjab and also debar him from practise as a Notary.

[No. F. 5(134)/93-Judl.]

N. C. JAIN, Competent Authority

सूचना

नई दिल्ली, 27 मई, 1997

का.आ. 1563.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि सुश्री रेहना ए. केसुरी ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे महाराष्ट्र में व्यवसाय करने के लिये नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5(112)/97-न्यायिक]

उदय कान्त झा, सक्षम प्राधिकारी

एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 27th May, 1997

S.O. 1563.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Mr. Rehana A. Kesuri, Advocate for appointment as a Notary to practise in Maharashtra State.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(112)/97-Judl.]

U. K. JHA, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 27 मई, 1997

का.आ. 1564.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री महेश नटरवरलाल अमीन, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे गुजरात राज्य में व्यवसाय करने के लिये नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5(120)/97-न्यायिक]

उदय कान्त झा, सक्षम प्राधिकारी एवं

अपर विधि सलाहकार

NOTICE

New Delhi, the 27th May, 1997

S.O. 1564.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Mahesh Natwarlal Amin, Advocate for appointment as a Notary to practise in State of Gujarat.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[NO. F. 5(120)/97-Judl.]

U. K. JHA, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 3 जून, 1997

का.आ. 1565.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री बसंत कुमार खोसला, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे कोरापुट (उड़ीसा) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5(121)/97-न्यायिक]

यू. के. झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 3rd June, 1997

S.O. 1565.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Basant Kumar Khosla, Advocate for appointment as a Notary to practise in Koraput (Orissa).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(121)/97-Judl.]

U. K. JHA, Competent Authority and Addl. Legal Adviser

सूचना

नई दिल्ली, 3 जून, 1997

का.आ. 1566.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री भोम प्रकाश सैनी, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस

बात के लिए दिया है कि उसे राष्ट्रीय राजधानी दिल्ली में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. एफ 5(122)/97-न्यायिक]

यू. के. झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 3rd June, 1997

S.O. 1566.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Om Parkash Saini, Advocate for appointment as a Notary to practise in N.C.T. of Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(122)/97-Judl.]

U. K. JHA, Competent Authority and
Addl. Legal Adviser

सूचना

नई दिल्ली, 3 जून, 1997

का.आ. 1567.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में, सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री होती लाल शर्मा, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मुजफ्फर नगर (उ.प्र.) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. एफ 5(123)/97-न्यायिक]

यू. के. झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 3rd June, 1997

S.O. 1567.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Hoti Lal Sharma, Advocate for appointment as a Notary to practise in Muzaffar Nagar, (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(123)/97-Judl.]

U. K. JHA, Competent Authority and
Addl. Legal Adviser

सूचना

नई दिल्ली, 3 जून, 1997

का.आ. 1568.—नोटरी नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री स्वपन गर्ग, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे चण्डीगढ़, संघ क्षेत्र में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. एफ 5(124)/97-न्यायिक]

यू. के. झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 3rd June, 1997

S.O. 1568.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Swapan Garg, Advocate for appointment as a Notary to Practise in U.T. of Chandigarh.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F.5(124)/97-Judl.]

U. K. JHA, Competent Authority and
Addl. Legal Adviser

सूचना

नई दिल्ली, 3 जून, 1997

का.आ. 1569.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री राजीव कुमार चतुर्वेदी एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे फतेहगढ़ (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. एफ 5(125)/97-न्यायिक]

यू. के. झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 3rd June, 1997

S.O. 1569.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Rajiv Kumar Chaturvedi, Advocate for appointment as a Notary to Practise in Fatehgarh (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(125)/97-Judl.]

U. K. JHA, Competent Authority and
Addl. Legal Adviser

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 5 जून, 1997

का.आ. 1571.—बैंककारी विनियम अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर, एतद्द्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उप-धारा (2) के उपबंध यूनाइटेड बैंक आफ इंडिया, कलकत्ता पर 31 दिसम्बर, 1998 तक उस सीमा तक लागू नहीं होंगे जहां तक उनका संबंध गिरवीदार के रूप में मैसर्स बंगाल हेल्थ एंड केमिकल वर्क्स लि. को प्रदत्त शेयर पूंजी की उसकी धारिता से है।

[सं 15/2/95-बी.ओ.ए.]

के.के. मंगल, अवर सचिव

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 5 जून, 1997

का.आ. 1570.—केन्द्रीय सरकार दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्द्वारा श्री बी.एल. कालरा, अधिवक्ता दिल्ली को मामला संख्या आर.सी. 2(एस)/97-एस.आई.यू.-1/एस.आई.सी.-1/सी.बी.आई./नई दिल्ली (ममता शुक्ला केस) और उससे जुड़े अथवा उसके साथ घटित किसी अन्य मामले के संचालन हेतु महानगर मुख्य दंडाधिकारी, दिल्ली/अतिरिक्त जिला एवं सत्र न्यायाधीश, दिल्ली/नई दिल्ली में विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/30/96-ए.बी.डी.-II]

हरि सिंह, अवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 5th June, 1997

S.O. 1571.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India hereby declares that the provisions of sub-section (2) of Section 19 of the said Act shall not apply to United Bank of India, Calcutta for a period upto 31st December, 1998 in respect of its holding shares of M/s. Bengal Health and Chemical Works Ltd. as pledgee.

[No. 15/2/95-BOA]

K. K. MANGAL, Under Secy.

MINISTRY OF PERSONNEL, P. G. & PENSIONS

(Department of Personnel & Training)

New Delhi, the 5th June, 1997

S.O. 1570.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the code of criminal procedure 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri B. L. Kalra, Advocate, Delhi as Special Public Prosecutor for conducting case No. RC. 2(S)/97-SIU. I/SIC.1/CBI/New Delhi and any other matter connected therewith or incidental thereto in the court of Chief Metropolitan Magistrate Delhi/Addl. District & Sessions Judge, Delhi/New Delhi.

[No. 225/30/97-AVD. III]

HARI SINGH, Under Secy.

विदेश मंत्रालय

नई दिल्ली, 2 जून, 1997

का.आ. 1572.—राजनयिक कौंसली अधिकारी (अथवा एवम् शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा भारत का राजदूतावास पेरिस सहायक श्री ई. आर. लक्ष्मणन को 3 जनवरी, 1994 से सहायक कौंसली अधिकारी का काम करने के लिए प्राधिकृत करती है।

[सं टी-4330/2/96]

बी. महालिंगम, अवर सचिव (पी.बी.एस.)

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 2nd June, 1997

S.O. 1572.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri E. R. Lakshmanan, Assistant in the Embassy of India Paris to perform the duties of Assistant Consular Officer with effect from 3-1-1994.

[No. T-4330/2/96]

V. MAHALINGAM, Under Secy. (Consular)

नई दिल्ली, 2 जून, 1997

का.भा. 1573.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का राजदूतावास पेरिस में सहायक श्रीमती पार्वती नायर को 3 जुलाई, 1995 से सहायक कौंसली अधिकारी का काम करने के लिए प्राधिकृत करती है।

[सं. टी-4330/2/96]

वी० महालिंगम, अवर सचिव (पी०वी० एस०)

New Delhi, the 2nd June, 1997

S.O. 1573.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948) the Central Government hereby authorises Smt. Parvati Nair, Assistant in the Embassy of India Paris to perform the duties of Assistant Consular Officer with effect from 3-7-1995.

[No. T-4330/2/96]

V. MAHALINGAM, Under Secy. (Consular)

वाणिज्य मंत्रालय

नई दिल्ली, 3 जून, 1997

का.भा. 1574.—निर्यात क्वालिटी (नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग

करते हुए, केन्द्रीय सरकार मैसर्स नेशनल एल्यूमिनियम कंपनी लिमिटेड (भारत सरकार का उपक्रम) दाम जोडी 763008 उड़ीसा में विनिर्मित कैल्सिड एल्यूमिना (एल्यूमिनियम आक्साइड शीर्षक के अन्तर्गत) का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स नेशनल एल्यूमिनियम कंपनी लिमिटेड को जिनका रजिस्ट्रीकृत कार्यालय ईडकी टावर आठवीं मंजिल भुवनेश्वर 751007 उड़ीसा में है, 24 फरवरी, 1996 से तीन वर्ष की अवधि के लिये का.भा. 655 तारीख 17-3-90 की शर्तों के अधीन रहते हुए अभिकरण के रूप में मान्यता देती है।

[फाइल सं. 5/21/97-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बान्णा, निदेशक

MINISTRY OF COMMERCE

New Delhi, the 3rd June, 1997

S.O. 1574.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises M/s. National Aluminium Co. Ltd. having their registered office at IDCO Tower, 8th Floor, Bhubaneswar-751007, Orissa, as the Agency for a period of three years with effect from 24th February 1996 for inspection of Calcined Alumina (under the heading of Aluminium Oxide) manufactured at M/s. National Aluminium Co. Ltd., (A Government of India Enterprise) Damanjodi-763008, Orissa prior to export subject to the conditions notified vide S.O. 655 dated 17-3-1990.

[File No. 5/21/97-EL&EP]

Km. SUMA SUBBANNA, Director

नागरिक पूर्ति, उपभोक्ता मामले और

सार्वजनिक वितरण मंत्रालय

नई दिल्ली, 2 जून, 1997

का.भा. 1575.—केन्द्रीय सरकार राजभाषा [संघ] के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय के अधीन वायदा बाजार आयोग मुम्बई के कलकत्ता स्थित क्षेत्रीय कार्यालय जिसके 80... से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

[सं. ई-11012/6/96-हिन्दी]

राम तिलक पाण्डेय, निदेशक

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS
AND PUBLIC DISTRIBUTION
New Delhi, the 2nd June, 1997

S.O. 1575.—In pursuance of Sub-rule (4) of Rule 10 of the Official Languages (use for official purposes of the union) Rules, 1976, the Central Government hereby notifies the Regional Office, Calcutta of Forward Market Commission, Mumbai under the Ministry of Civil Supplies, Consumer Affairs and Public Distribution, under more than 80 percent of the staff have acquired working knowledge of Hindi.

[No. E-11012/6/96-Hindi]

R. T. PANDEY, Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 4 जून, 1997

कां.आ. 1576.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 7 की उपधारा (4) के साथ पठित उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में, डा० बलजीत सिंह, प्राचार्य, गवर्नमेंट मेडिकल कालेज, पटियाला को पंजाबी विश्वविद्यालय की सीनेट द्वारा डा० गुरुप्रताप सिंह की आकस्मिक रिक्ति में 12 फरवरी, 1997 से 25 नवम्बर, 1999 तक की अवधि के लिए भारतीय आयुर्विज्ञान परिषद् का सदस्य निर्वाचित किया गया है ;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (2) के अनुसरण में, भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना सं० कां.आ. 138, तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, “धारा 3 की उपधारा (1) के खण्ड (ख) के अधीन निर्वाचित” शीर्षक के अधीन, क्रम० सं० 28 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम सं० और प्रविष्टियाँ रखी जाएंगी, अर्थात् :—

28. डा० बलजीत सिंह, पंजाबी विश्वविद्यालय”
प्राचार्य,
गवर्नमेंट मेडिकल कालेज,
पटियाला

[सं० वी० 11013/5/97-एम ई (यू०जी०)]

एस०के० मिश्रा, डेस्क अधिकारी

टिप्पण :—मूल अधिसूचना भारत के राजपत्र में अधिसूचना सं० कां० आ० 138, तारीख 9-1-1960 द्वारा प्रकाशित की गई थी।

MINISTRY OF HEALTH AND FAMILY
WELFARE

(Department of Health)

New Delhi, the 4th June, 1997

S.O. 1576.—Whereas in pursuance of sub-section 1 of 3 of the Indian Medical Council Act, 1956 (102 of 1956), read with sub-section (4) of Section 7 of the said Act, Dr. Baljit Singh, Principal, Government Medical College, Patiala has been elected by the Senate of the Punjabi University to be a member of Medical Council of India in the casual vacancy of Dr. Gurupratap Singh, for the period from 12-2-1997 to 25th November, 1999;

Now, therefore, in pursuance of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the then Ministry of Health, No. S.O. 138, dated the 9th January, 1960, namely :—

In the said Notification, under the heading “Elected under clause (b) of sub-section (1) of Section 3” for serial number 28 and the entries relating thereto, the following serial number and entries shall be substituted :—

“28. Dr. Baljit Singh,

Principal,

Government Medical College,

Patiala.

Punjabi University”

[No. V. 11013/5/97-ME(UG)]

S. K. MISHRA, Desk Officer

Note.—The Principal notification was published in the Gazette of India vide notification No. S.O. 138, dated the 9th January, 1960.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 2 जून 1997

का.आ. 1577 केन्द्रीय सरकार को यह प्रतीति दीता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाणिज्य से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिये भारत ओमान रीफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये;

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिये इस अधिसूचना से उपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित करती है;

उक्त अनुसूची में वर्णित भूमि में निम्नलिखित कोई व्यक्ति, राजपत्र में, यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जमता की उपलब्ध करा दिए जाने की तारीख से इसी दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप लिखित रूप में श्री ए.वी. कालरिया, सहाय प्राधिकारी, भारत ओमान रीफाइनरीज लिमिटेड, सेंट्रल इंडिया रीफाइनरी परिसर, बी-5, हीरक सेन्टर, नेहरू पार्क, वस्त्रापुर, अहमदाबाद-380 015, गुजरात को कर सकेगा;

अनुसूची

तालुका: मुली		जिला: सुरेन्द्रनगर		राज्य: गुजरात	
गांव का नाम	सर्वेक्षण संख्या/ खंड संख्या	क्षेत्र			
		हेक्टर	आरे	सेन्टीआरे	
(1)	(2)	(3)	(4)	(5)	
उमरडा	421	0	23	85	
	420	0	43	72	
	418 पैकी	0	72	00	
	417 पैकी	0	60	90	
	386 पैकी	0	91	39	
	381 पैकी	0	01	40	
	382 पैकी	0	19	69	
	385 सरकारी तालाब	0	13	54	
	383	0	03	84	
	384 सरकारी	0	19	98	
	रोड	0	03	37	
	नाला	0	01	83	
	351	0	00	98	
	352	0	67	21	
	356	0	20	05	
	353	0	23	62	
	355	0	46	79	
	354/1	0	00	50	
	332	0	12	31	
	333	0	73	32	
	330/2	0	36	37	
	327	0	45	80	
	काटट्रक	0	01	98	
	287	0	33	15	

(1)	(2)	(3)	(4)	(5)
	286	0	41	12
	238	0	43	53
	239 पैकी	0	09	86
	280	0	00	50
	262 पैकी	0	21	74
	262 पैकी	0	21	74
	263	0	02	76
	261	0	09	38
	661/9	0	23	21
	661/पैकी खराबा	0	96	25
	266 पैकी	0	37	05
धर्मश्रम	नवी	0	34	75
	131	0	59	17
	130 सरकारी	0	39	07
	128 पैकी	0	40	00
	128 पैकी	0	41	02
	रोड	0	01	24
	126/1 पैकी	0	12	80
	126/1 पैकी	0	38	35
	74/1	0	34	20
	73/2 पैकी	0	61	80
	81/2	0	27	50
	81/3	0	42	70
	83	0	39	97
	काटट्रक	0	01	50
	86 पैकी	0	27	30
	87 पैकी	0	45	45
	89	0	12	87
	88 पैकी	0	39	48
	98 पैकी	0	14	47
	98 पैकी	0	57	90
	रोड	0	03	84
टीडाना	रोड	0	04	64
	76	0	19	80
	78 पैकी	0	16	35
	78 पैकी	0	16	35
	77/1	0	08	40
	77/2	0	29	10
	79	0	09	90
	80 पैकी	0	10	80
	80 पैकी	0	10	80
	81	0	17	10
सोमासर	259	1	06	52
	232	0	21	88
	257	0	13	71
	233	0	05	00
	नाला	0	06	50
	255	0	19	65
	254	0	32	25
	253	0	48	63
	250/1	0	29	52
	249	0	22	48
	248/1	0	26	73
	247	0	09	92
	246	0	30	03
	244	0	04	68
	245	0	09	90
	रोड	0	06	30

(1)	(2)	(3)	(4)	(5)
	280 पैकी	0	11	84
	279	0	23	87
	386/1 सरकारी	2	16	64
	281/2	0	15	63
	281/1	0	51	88
	385/1 पैकी	0	00	60
	384/1 पैकी	0	88	50
	375 पैकी	0	12	50
	371	0	15	75
	रोड	0	03	63
	23	0	79	52
	24	0	12	90
	20	0	14	10
	19	0	23	70
	18	0	34	05
	26 पैकी	0	11	40
	26 पैकी	0	10	20
	26 पैकी	0	35	00
	26 पैकी	0	08	10
	32	0	02	20
	28	0	35	85
	29	0	33	75
	30	0	28	50
	50	0	26	10
	51	0	18	45
	49	0	56	25
	58	1	65	15
	57 पैकी	0	36	00
	57 पैकी	0	62	17
	63 पैकी	0	47	32
सिधसर	99	0	65	55
	100	0	15	60
	101	0	13	65
	102	0	12	00
	103 पैकी	0	11	10
	103 पैकी	0	11	10
	104 पैकी	0	00	76
	104 पैकी	0	07	00
	129	0	62	44
	128	0	63	90
	127	0	72	30
	123	0	36	07
	122	0	54	01
	121	0	17	19
	रोड	0	05	88
	नाला	0	08	93
	119 पैकी	0	10	79
	139	0	05	70
	140	0	40	02
	141	0	37	50
	142 पैकी	0	41	70
	143	0	09	00
	144	0	15	60
	146 पैकी	0	66	60
	रोड	0	09	60
	150 पैकी	0	27	45
	150 पैकी	0	27	45
	151 पैकी	0	45	15

(1)	(2)	(3)	(4)	(5)
	152	0	80	25
	154	0	23	70
	155/2 पैकी	0	10	50
	155/2 पैकी	0	10	50
	156	0	22	64
	157 पैकी	0	01	84
	160	0	00	36
	161	0	08	24
	165 पैकी	0	67	05
	173 पैकी	0	37	35
	175	0	14	04
	176	0	46	70
	काटटुक	0	06	00
नलिया	315 पैकी	0	14	04
	319/1/पैकी	1	14	22
	318	0	28	98
	रोड	0	01	65
	323 पैकी	0	24	75
	323 पैकी	0	30	00
	322	0	18	49
	325 पैकी	0	21	30
	325 पैकी	0	21	30
	325 पैकी	0	35	40
	328/1	0	16	80
	327	0	52	40
	333 पैकी	0	71	70
	338	0	02	92
	334	0	17	08
	336	0	22	80
	345	0	15	60
	346	0	19	50
	347	0	15	60
	348	0	55	80
	349 पैकी	0	53	10
	366 पैकी	0	28	05
नवानीया	84	0	03	20
	62 पैकी	0	30	00
	62 पैकी	0	25	86
	61 पैकी	0	14	31
	61 पैकी	0	14	31
	61 पैकी	0	28	83
	59/4	0	04	27
	59/5	0	19	86
	59/6	0	28	86
	59/7	0	11	23
	59/8	0	00	60
	रोड	0	02	17
	54	0	45	30
	51 सरकारी खराबा	0	29	55
	53	0	28	05
	43	0	63	30
	44	0	11	25
	37	0	26	55
	36	0	28	65
	नाला	0	01	92

[फा. सं. मार-31015/3/97-ओमार. II]

के. सी. कटोच, अवर सचिव

Ministry of Petroleum and Natural Gas
New Delhi, the 2nd June, 1997

S.O. 1577 Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, pipelines should be laid by the Bharat Oman Refineries Limited;

And whereas, for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to Shri A. V. Kalaria, Competent authority, Bharat Oman Refineries Limited, Central India Refinery Project, B-5, Hirak Centre, Nehru Park, Vastrapur, Ahmedabad-380015 Gujarat;

Schedule

Taluka: Muli District: Surendranagar State: Gujarat				
Name of Village	Survey/Block Number	Area		
		Hectare Are Centare		
(1)	(2)	(4)	(5)	(6)
Umarda	421	0	23	85
	420	0	43	72
	418 Paiki	0	72	00
	417 Paiki	0	60	90
	386 Paiki	0	91	39
	381 Paiki	0	01	40
	382 Paiki	0	19	69
	385 Government Tank	0	13	54
	383	0	03	84
	384 Government	0	19	98
	Road	0	03	37
	Nalla	0	01	83
	351	0	00	98
	352	0	67	21
	356	0	20	05
	353	0	23	62
	355	0	46	79
	354/1	0	00	50
	332	0	12	31
	333	0	73	32
	330/2	0	36	37

(1)	(2)	(4)	(5)	(6)
	327	0	45	80
	Cart track	0	01	98
	287	0	33	15
	286	0	41	12
	258	0	43	55
	259 Paiki	0	09	86
	260	0	00	50
	262 Paiki	0	21	74
	262 Paiki	0	21	74
	263	0	02	76
	261	0	09	38
	661/9	0	23	21
	661/Paiki Kharaba	0	96	25
	266 Paiki	0	37	05
Dharmen dragarh	River	0	34	75
	131	0	59	17
	130 Government	0	39	07
	128 Paiki	0	40	00
	128 Paiki	0	41	02
	Road	0	01	24
	126/1 Paiki	0	12	80
	126/1 Paiki	0	38	35
	74/1	0	34	20
	73/2 Paiki	0	61	80
	81/2	0	27	50
	81/3	0	42	70
	83	0	39	97
	Cart track	0	01	50
	86 Paiki	0	27	30
	87 Paiki	0	45	45
	89	0	12	87
	88 Paiki	0	39	48
	98 Paiki	0	14	47
	98 Paiki	0	57	90
	Road	0	03	84
Tidana	Road	0	04	64
	76	0	19	80
	78 Paiki	0	16	35
	78 Paiki	0	16	35
	77/1	0	08	40
	77/2	0	29	10
	79	0	09	90
	80 Paiki	0	10	80
	80 Paiki	0	10	80
	81	0	17	10
Somasar	259	1	06	52
	232	0	21	88
	257	0	13	71
	233	0	05	00
	Nalla	0	06	50
	255	0	19	65
	254	0	32	25
	253	0	48	63
	250/1	0	29	52
	249	0	22	48
	248/1	0	26	73
	247	0	09	92
	246	0	30	03

	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
244	0	04	68		151 Paiki	0	45	15
245	0	09	90		152	0	80	25
Road	0	06	30		154	0	23	70
260 Paiki	0	11	84		155/2 Paiki	0	10	50
279	0	23	87		155/2 Paiki	0	10	50
388/1 Government	2	16	64		156	0	22	64
281/2	0	15	63		157 Paiki	0	01	84
281/1	0	51	88		160	0	00	36
385/1 Paiki	0	00	60		161	0	08	24
384/1 Paiki	0	88	50		165 Paiki	0	67	05
375 Paiki	0	12	50		173 Paiki	0	37	35
371	0	15	75		175	0	14	04
Road	0	03	63		176	0	46	70
23	0	79	52		Cart Track	0	06	00
24	0	12	90	Nalia	315 Paiki	0	14	04
20	0	14	10		319/1/Paiki	1	14	22
19	0	23	70		318	0	28	98
18	0	34	05		Road	0	01	65
26 Paiki	0	11	40		323 Paiki	0	24	75
26 Paiki	0	10	20		323 Paiki	0	30	00
26 Paiki	0	35	00		322	0	18	49
26 Paiki	0	08	10		325 Paiki	0	21	30
32	0	02	20		325 Paiki	0	21	30
28	0	35	85		325 Paiki	0	35	40
29	0	33	75		328/1	0	16	80
30	0	28	50		327	0	52	40
50	0	26	10		333 Paiki	0	71	70
51	0	18	45		338	0	02	92
49	0	56	25		334	0	17	08
58	1	65	15		336	0	22	80
57 Paiki	0	36	00		345	0	15	60
57 Paiki	0	62	17		346	0	19	50
63 Paiki	0	47	32		347	0	15	60
Sidhsar 99	0	65	55		348	0	55	80
100	0	15	60		349 Paiki	0	53	10
101	0	13	65		366 Paiki	0	28	05
102	0	12	00	Navaniya	84	0	03	20
103 Paiki	0	11	10		62 Paiki	0	30	00
103 Paiki	0	11	10		62 Paiki	0	25	86
104 Paiki	0	00	76		61 Paiki	0	14	31
104 Paiki	0	07	00		61 Paiki	0	14	31
129	0	62	44		61 Paiki	0	28	83
128	0	63	90		59/4	0	04	27
127	0	72	30		59/5	0	19	86
123	0	36	07		59/6	0	28	86
122	0	54	01		59/7	0	11	23
121	0	17	19		59/8	0	00	60
Road	0	05	88		Road	0	02	17
Drain	0	08	93		54	0	45	30
119 Paiki	0	10	79		51 Government	0	29	55
139	0	05	70		53	0	28	05
140	0	40	02		43	0	63	30
141	0	37	50		44	0	11	25
142 Paiki	0	41	70		37	0	26	55
143	0	09	00		36	0	28	65
144	0	15	60		Drain	0	01	92
146 Paiki	0	66	60					
Road	0	09	60					
150 Paiki	0	27	45					
150 Paiki	0	27	45					

[File No. R-31015/3/97-OR.II]

K.C. Katoh, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 9 जून 1997

का.आ. 1578 — केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र तारीख 8 फरवरी, 1997 पृ. 965 और 966 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं.का.आ. 270, तारीख 29 जनवरी, 1997 में निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में, पृष्ठ 965 पर अनुसूची में, स्तंभ 2 के अंश **ग्राम अमावही** में,

सर्वेक्षण सं./खंड सं. "225 के स्थान पर सर्वेक्षण सं. खंड सं. "125

224"

124"

रखे जाएंगे

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन का भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप लिखित रूप में श्री एस. के. ब्रह्मभट्ट, सक्षम प्रवक्ता, भारत औद्योगिक निगम लिमिटेड, 516, फोर वे कार्नर कोम्प्लेक्स, सतलुज होटल के पास, भुरावाव, गोधरा, पिन 389 001 (गुजरात) को कर सकेगा।

स्पष्टीकरण :- इस अधिसूचना द्वारा संशोधित भूमि और सर्वेक्षण/खंड संख्यांक तब क्षेत्र की हारा, उक्त अधिनियम की धारा 5 की उपधारा (1) के निबंधनों के अनुसार, इक्कीस दिन की उक्त अवधि उस तारीख से, अर्थात् ऐसी तिथि को राजपत्र में प्रकाशित अधिसूचना जनता को उपलब्ध करा दी जाती है।

(फा. सं. आर-31016/21/96-ओ आर II)

के. सी. कटिया, सक्षम अधिकारी

Corrigendum

New Delhi, the 9th June 1997

S.O. 1578. In exercise of the power conferred by sub-section (1) of section 3 of the petroleum and Minerals Pipelines (Aquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 270, dated the 29th January, 1997, published in the Gazette of India dated the 8th February, 1997 at pages 966-68, namely :-

In the said notification, at page 967, in the Schedule, in village Asayadi, under column 2, for survey/block number "225, the survey/block number "125 shall be
224" 124" substituted.

2. Any person interested in the lands described in the said Schedule may within twenty one days of which the copies of the notification, as published in the Gazette of India, made available to the public object in writing to the acquisition of the right of user therein or laying of the pipe line under the land to the competent authority (Mr. S. K. Brahmbhatt), Bharat Oman Refineries Limited, 5/6 Fourway Corner Complex, Near Sutluj Hotel, Bhuravav, Godhra, Pin-389001 (Gujarat).

Explanation.- In respect of lands and survey/block numbers and area amended through this notification, the said period of twenty one days in terms of sub-section (1) of section 5 of the said Act, starts running from the date of notification as published in the Official Gazette is made available to the public.

(File No. R. 31015/21/96-OR-II)

K. C. Katoch, Under Secy

नई दिल्ली, 9 जून 1997

का.आ 1579 - केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम कच्चे तेल के परिवहन के लिए भारत ओमान रीफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये;

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, भारत का राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में श्री एस. के. ब्रह्मभट्ट, सक्षम प्राधिकारी, भारत ओमान रीफाइनरीज लिमिटेड, सेंट्रल इंडिया रीफाइनरी परियोजना, 5/6 - फोर वे कोर्नर कम्प्लेक्स, सतलज होटल के पास, भुवावाव, गोधरा - 389 001, गुजरात को कर सकेगा;

अनुसूची

तालुका: लिमखेडा		जिला: पंचमहाल	राज्य: गुजरात		
गांव का नाम	सर्वेक्षण सं./खंड सं.	क्षेत्र हेक्टर	आरे	सेन्टी	आरे
(1)	(2)	(3)	(4)	(5)	
प्रतापपुरा	45	0	05	46	
	46 पैकी/114	0	88	84	
	44	0	01	27	
	41	0	06	32	
	40	0	43	36	
	39	0	21	64	
	37	0	65	48	
	35	0	22	05	
	46 पैकी/107	0	01	00	
	46 पैकी/108	0	45	13	
	46 पैकी/98	0	36	52	
	46 पैकी/100	0	58	20	
	46 पैकी/102	0	42	75	
	46 पैकी/104	0	29	09	
	46 जंगल	2	69	41	
	नाला	0	05	25	
पानिया	125 पैकी जंगल	1	03	50	
	125 पैकी सरकारी	0	12	45	
परपटा	44/ए जंगल	2	21	35	
	44/4 पैकी	0	52	20	
	44/2	0	17	85	
	44/10	0	10	65	
	44/6	0	15	44	
	46	0	57	98	

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	44/17	0	18	22		7/ए पैकी गोचर	0	16	74
	45	0	26	31		7/ए पैकी	0	16	95
	44पैकी	0	27	45		7/ए पैकी	0	44	26
	44/9	0	54	20		7/ए/2/ए	0	15	04
	रोड	0	09	30		8/1	0	18	50
मन्ली	385	1	03	91		8/2	0	16	50
	421	0	57	00		8/3	0	14	63
	420	0	00	23		8/4	0	06	45
	419/1	0	17	70		नाला	0	09	43
	419/2	0	27	30		120/2	0	01	95
	419/3	0	17	85		120/3	0	16	62
	नाला	0	18	27		नाला	0	09	60
	431	0	28	64	कुन्ली	50 पैकी	0	08	74
	432	0	31	72		51	0	15	65
	416/11	0	03	84		52	0	18	00
	416/2	0	03	43		रोड	0	11	96
	437	0	21	66		48	0	20	85
	416/3	0	00	63		नाला	0	04	40
	439	0	22	75		44	0	12	00
	440/1	0	23	37		47	0	07	35
	7/मी गोचर नाला	1	00	30		नाला	0	04	30
	407	0	14	52		56	0	28	35
	3	0	15	75		59/1	0	17	51
	4/3	0	03	66		59/2	0	15	60
	4/5	0	13	02		150	0	50	04
	4/4	0	10	09		151	0	21	30
	5	0	47	31		152	0	33	45
	7/ए पैकी	0	15	25		154	0	24	30

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	156	0	22	20		129	0	26	95
	157 पैकी	0	09	00		नाला	0	02	31
	157 पैकी	0	11	80		189	0	27	55
	155 पैकी	0	07	44		188	0	47	62
अगारा	110	0	54	65		नाला	0	02	88
	115	0	48	03		192	0	33	51
	118/3	0	12	43		193	0	23	70
	118/12	0	09	60		नाला	0	04	14
	118/13	0	09	08		194	0	07	66
	118/16	0	13	12		196	0	28	76
	118/17	0	29	98		198	1	06	19
	121/7	0	05	98		209	0	00	11
	काटट्रक	0	03	15		177 जंगल	0	59	88
	119/1	0	32	33		211	0	38	63
	विशाखा	0	05	52		212	0	19	80
	रोड	0	06	68		नाला	0	03	72
	261/2	0	10	28	अम्बवा	20/बी गोचर	1	19	24
	263/1	}	0	41		काटट्रक	0	01	04
	263/2					नहेर	0	11	25
	263/3					44	0	36	90
	262					45	0	51	90
	128 गोचर	0	01	25		50	0	46	05
	128	0	82	91		48	0	31	74
	नाला	0	09	85		49	0	05	61
	136	0	24	51	पट वान	10	0	88	40
	नाला	0	05	85		11/3	0	08	40
	135	0	38	23		7	0	35	70
	नाला	0	06	60		नहेर	0	09	60

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	6	0	65	04		39	0	00	78
	90	0	00	96		38	0	08	70
	64 गोचर	0	04	20		13	0	50	13
	75	0	48	00		नाला	0	05	52
	नहेर	0	07	28		17	0	10	80
	विशाखा	0	03	61		23	0	06	80
	68	0	50	09		24/पैकी/2	0	33	55
	66	0	32	97		24/पैकी/1	0	03	23
	67	0	34	02		खाइ	0	07	95
	76/1	0	52	88		रोड	0	05	10
	61	0	32	62		155	0	24	60
	नदी	0	19	65		नाला	0	09	68
टींबा	8	0	59	87		151	0	78	51
	नहेर	0	08	40		काट ट्रैक	0	00	99
	9	0	00	90		150	0	22	05
	7 जंगल	9	34	93	कथोलीया	30 सरकारी	0	66	70
विसलंगा	74 गोचर	0	91	86		10/1	0	15	00
	75	0	14	27		10/2	0	23	70
	76	0	18	36		9	0	00	30
	77	0	25	17		11	0	00	84
	82	0	19	25		नाला	0	08	36
घुंटीया	38 सरकारी	0	27	28		8	0	03	31
जाद खेरीया	काट ट्रैक	0	03	90		7/3	0	30	30
	92 जंगल	4	26	55		7/4	0	21	30
	92	0	25	00		83/2पैकी	0	64	60
	35	0	07	05		6	0	08	60
	36	0	43	65	[फा. सं. आर - 31015/22/96-ओ आर, II] के. सी. कटोच, अवर सचिव, भारत सरकार				
	37	0	83	37					

SCHEDULE

New Delhi, the 9th June 1997

S O. 1579 .- Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, pipelines should be laid by the Bharat Oman Refineries Limited;

And whereas for the purpose of laying such pipelines, it is necessary to acquire the right of users in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to Shri. S K Brahmhatt Competent authority, Bharat Oman Refineries Limited, Central India Refinery Project, 5/6, Four Ways Complex, Near Satluj Hotel, Bhuravav, Godhara -389001 Gujarat,

Taluka: Limkheda District: Panchmahal
State: Gujarat

Name of Village	Survey/Block Number	Area		
		Hec- tare	Are	Centare
(1)	(2)	(4)	(5)	(6)
Pratappura	45	0	05	46
	46Paiki/114	0	88	84
	44	0	01	27
	41	0	06	32
	40	0	43	36
	39	0	21	64
	37	0	65	48
	35	0	22	05
	46Paiki/107	0	01	00
	46Paiki/108	0	45	13
	46Paiki/98	0	36	52
	46Paiki/100	0	58	20
	46Paiki/102	0	42	75
	46Paiki/104	0	29	09
	46 Forest	2	69	41
Paniya	Nalla	0	05	25
	125 Paiki Forest	1	03	50
Parpata	125 Paiki Padatar	0	12	45
	44/A Forest	2	21	35
	44/4 Paiki	0	52	20
	44/2	0	17	85
	44/10	0	10	65
	44/6	0	15	44
	46	0	57	98

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
Manli	44/17	0	18	22		7/A Paiki Cattle field	0	16	74
	45	0	26	31		7/A Paiki	0	16	95
	44Paiki	0	27	45		7/A Paiki	0	44	26
	44/9	0	54	20		7/A/2/A	0	15	04
	Road	0	09	30		8/1	0	18	50
	385	1	03	91		8/2	0	16	50
	421	0	57	00		8/3	0	14	63
	420	0	00	23		8/4	0	06	45
	419/1	0	17	70		Nalla	0	09	43
	419/2	0	27	30		120/2	0	01	95
	419/3	0	17	85		120/3	0	16	62
	Nalla	0	18	27		Nalla	0	09	60
	431	0	28	64	Kunli	50 Paiki	0	08	74
	432	0	31	72		51	0	15	65
	416/11	0	03	84		52	0	18	00
	416/2	0	03	43		Road	0	11	96
	437	0	21	66		48	0	20	85
	416/3	0	00	63		Nalla	0	04	40
	439	0	22	75		44	0	12	00
	440/1	0	23	37		47	0	07	35
	7/B Cattle field Nalla	1	00	30		Nalla	0	04	30
	407	0	14	52		56	0	28	35
	3	0	15	75		59/1	0	17	51
	4/3	0	03	66		59/2	0	15	60
	4/5	0	13	02		150	0	50	04
	4/4	0	10	09		151	0	21	30
	5	0	47	31		152	0	33	45
	7/A Paiki	0	15	25		154	0	21	30

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
	156	0	22	20		129	0	26	95
	157 Paiki	0	09	00		Nalla	0	02	31
	157 Paiki	0	11	80		189	0	27	55
	155 Paiki	0	07	44		188	0	47	62
Agara	110	0	54	65		Nalla	0	02	88
	115	0	48	03		192	0	33	51
	118/3	0	12	43		193	0	23	70
	118/12	0	09	60		Nalla	0	04	14
	118/13	0	09	08		194	0	07	66
	118/16	0	13	12		196	0	28	76
	118/17	0	29	98		198	1	06	19
	121/7	0	05	98		209	0	00	11
	Cart track	0	03	15		177 Forest	0	59	88
	119/1	0	32	33		211	0	38	63
	Minor	0	05	52		212	0	19	80
	Road	0	06	68		Nalla	0	03	72
	261/2	0	10	28	Ambwa	20/B Cattle field	1	19	24
	263/1	}				Cart track	0	01	04
	263/2	}	0	41		Canal	0	11	25
	263/3					44	0	36	90
	262	}				45	0	51	90
	128 Cattle field	0	01	25		50	0	46	05
	128	0	82	91		48	0	31	74
	Nalla	0	09	85		49	0	05	61
	136	0	24	51	Patwan	10	0	88	40
	Nalla	0	05	85		11/3	0	08	40
	135	0	38	23		7	0	35	70
	Nalla	0	06	60		Canal	0	09	60

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
	6	0	65	04		39	0	00	78
	90	0	00	96		38	0	08	70
	64 Cattle field	0	04	20		13	0	50	13
	75	0	48	00		Nalla	0	05	52
	Canal	0	07	28		17	0	10	80
	Minor	0	03	61		23	0	06	80
	68	0	50	09		24/Paiki/2	0	33	55
	66	0	32	97		24/Paiki/1	0	03	23
	67	0	34	02		Khai	0	07	95
	76/1	0	52	88		Road	0	05	10
	61	0	32	62		155	0	24	60
	River	0	19	65		Nalla	0	09	68
Timba	8	0	59	87		151	0	78	51
	Canal	0	08	40		Cart track	0	00	99
	9	0	00	90		150	0	22	05
	7 Forest	9	34	93	Katholiya	30 Government Kharabo	0	66	70
Vislanga	74 Cattle field	0	91	86		10/1	0	15	00
	75	0	14	27		10/2	0	23	70
	76	0	18	36		9	0	00	30
	77	0	25	17		11	0	00	84
	82	0	19	25		Nalla	0	08	36
Ghuntiya	38 Government Padatar	0	27	28		8	0	03	31
Jadakheriya	Cart track	0	03	90		7/3	0	30	30
	92 Forest	4	26	55		7/4	0	21	30
	92	0	25	00		83/2Paiki	0	64	60
	35	0	07	05		6	0	08	60
	36	0	43	65					
	37	0	83	37					

[File No. R-31015/22/96 -OR.II]
K. C. Katoch. Under Secy

Corrigendum

नई दिल्ली, 9 जून 1997

S.O. 1580, Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2471, dated the 13th August, 1996, published in the Gazette of India Part II, section 3, sub-section (ii), at pages 3185-86, issued under sub-section (1), of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962(50 of 1962), the Central Government gave notice of its intention to acquire the right of user in the lands specified in the Schedule appended to that notification;

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Official Gazette;

Now, therefore, in exercise of the powers conferred by sub-section(1) of section 3 of the said Act, the Central Government hereby amends the Schedule appended to the said notification as follows, namely :-

at page 3186, in village Jansali, in column 3, against survey number 87, for "g" read "O"

Any person interested in any land in respect of which the above amendment has been issued, may within twenty one days of issue of this notification, object to the acquisition of the whole or any part of the said land or any right in or over such land in terms of sub-section (1) of section 5 of the said Act.

Explanation - In respect of the lands, survey numbers and areas amended through this notification the said period of twenty one days in terms of sub-section (1) of section 5 of the said Act shall start running from the date of publication of this notification.

[No. R-31015/20/96-OR II]

K. C. KATOCH, Under Secy.

नई दिल्ली, 18 जून 1997

का.आ. 1581 - - - केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा - 2 के खण्ड (क) का अनुसरण करते हुए, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या - का.आ. 1007, तारीख 30 मार्च, 1996 का संशोधन करती है, अर्थात् :-

उक्त अधिसूचना की अनुसूची के स्तम्भ 01 में, "थामपस टाऊन, झांसागोरी, देवघर - 814112 (बिहार)" शब्दों के स्थान पर "विलियम्स टाऊन, कालेज रोड, देवघर - 814112 (बिहार)" शब्द रखे जायेंगे।

[सं आर 31015/3 95 आ आर 1]

के सी कटाच अवर सचिव

New Delhi, the 18th June 1997

S.O. 1581 __In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby amend the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 1007, dated the 30th March, 1996 as follows, namely :—

In the said notification, in the Schedule, under column D1, for the words "Bampus Town, Jhansagori, Deoghar-814112 (Bihar)", the words "Williams Town, College Road, Deoghar-814112 (Bihar)" shall be substituted.

[No. R-31015/3/95-OR-I]

K.C. Katoch. Under Secy.

नई दिल्ली, 18 जून 1997

का० आ० 1582. — केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) को धारा 3 उपधारा (1) के अधीन जारी की गई भारत सरकार के

पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 1148 तारीख 02 अप्रैल, 1996, पश्चिमी बंगाल राज्य के हल्दिया से बिहार राज्य के बरौनी तक पैट्रोलिज्म के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन हेतु उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 28 फरवरी, 1997 को उपलब्ध करा दी गई थी;

और उक्त अधिनियम की धारा 6 उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लिंगमों से मुक्त इंडियन ऑयल कार्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

पुलिस थाना : पंसकुरा			जिला : मिदनापुर		राज्य : पश्चिमी बंगाल	
गाँव	अधिकारिता सूची संख्या	प्लॉट संख्या	क्षेत्र			सेटी इप्स
			हेक्टेयर	इप्स		
1	2	3	4	5	6	
पथरिया	249	523	0	0		55
गजई	248	445	0	4		17
निजरतयरा	254	104	0	12		63

पुलिस थाना : दासपुर		जिला : भिदनापुर		राज्य : पश्चिमी बंगाल	
गाँव	अधिकारिता रूची संख्या	प्लॉट संख्या	हेक्टेयर	घघर	सेटीघघर
1	2	3	4	5	6
गोमोकपोटा	237	1624	0	10	50
पालशरपई	156	2080	0	2	0
जौयरामचक	157	1063	0	2	78
		922	0	9	58
		910	0	5	1
		916	0	6	47
		891	0	1	53
		2867	0	0	72
		2866	0	3	83
		2831	0	7	63
		2999	0	0	83
आदमपुर	228	1883	0	1	75
		1888	0	0	21
फरीदपुर	227	275	0	1	59
		276	0	5	73
		1064	0	2	2
चैनपत	216	375	0	0	1
		672	0	0	1
		7823	0	6	41
		12103	0	4	79
		12285	0	3	94
		12284	0	4	48
		12695	0	7	94
		12757	0	0	16
		12756	0	5	41

1	2	3	4	5	6
		12755	0	8	91
		12797	0	5	53
डीरी अयोध्या	214	1373	0	4	40
		1357	0	6	7
		1243	0	0	88
		1130	0	11	33
		1123	0	1	65
		1120	0	10	72
		1118	0	4	40
भागबतीपुर	211	2987	0	3	5
जोट - कान्गु रामगढ़	212	2348	0	6	68

[सं.आर-31015/5/96 ओ.आर. I]

कै. सी. कर्माच, अवर सचिव

New Delhi, the 18th June 1997

S.O. 1582 Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 1148 dated the 2nd day of April, 1996, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intantion to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for the transport of petroleum from Haldia in the State of West Bengal to Jarauni in the State of Bihar.

And whereas, the copies of the said notification were made available to the public on the 29th day of February, 1997;

And whereas, the Competent Authority in persuance of sub-section (1) of the section 5 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by the sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, in the Indian Oil Corporation Limited free from all encumbrances.

Schedule

Police Station: Panskura District: Midnapur			State : West Bengal		
Village	Jurisdiction List No	Plot No	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Pathria	249	523	0	0	55
Gajai	248	445	0	4	17
Nijkhayra	254	104	0	12	63

Police Station: Daspur District: Midnapur			State : West Bengal		
Village	Jurisdiction List No:	Plot No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Gomokpota	237	1624	0	10	50
Palshpai	156	2080	0	2	0

1	2	3	4	5	6
Joyramchak	157	1063	0	2	78
		922	0	9	58
		910	0	5	1
		916	0	6	47
		891	0	1	53
		2867	0	0	72
		2866	0	3	83
		2831	0	7	63
		2999	0	0	83
	228	1883	0	1	75
		1888	0	0	21
Faridpur	227	275	0	1	59
		276	0	5	73
		1064	0	2	2
Chainpat	216	375	0	0	1
		672	0	0	1
		7823	0	6	41
		12103	0	4	79
		12285	0	3	94
		12284	0	4	48
		12695	0	7	94
		12757	0	0	16
		12756	0	5	41

	2	3	4	5	6
		12755	0	8	91
		12797	0	5	53
Dori Ayodhya 214		1373	0	4	40
		1357	0	6	7
		1243	0	0	88
		1130	0	11	33
		1123	0	1	65
		1120	0	10	72
		1118	0	4	40
Bhagabatipur 211		2987	0	3	5
Jot Kanuramgarh 212		2348	0	6	68

[No R-31015/5/96-OR-1

K.C. Katoch, Under Secy

नई दिल्ली, 18 जून 1997

का० आ० 1583 - केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) को धारा 3 उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 152, तारीख 25 जनवरी 1997, पश्चिमो बंगाल राज्य के हल्द्वी से बिहार राज्य के बरौनी तक पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन हेतु उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय को घोषणा की थी ;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 24 फरवरी, 1997 को उपलब्ध करा दी गई थी ;

और उक्त अधिनियम को धारा 6 उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है ;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी वित्तलिंगों से मक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

पुलिस थाना : खनकल		जिला : हुगली		राज्य : पश्चिमी बंगाल	
गाँव	आधिकारिक सूची सं०	प्लॉट सं०	क्षेत्रफल		
			हेक्टेयर	इंच	सेंटीइंच
1	2	3	4	5	6
नोएडा नारायणपुर	40	38	0	5	51
		37	0	2	8
		36	0	0	41
		40	0	0	90
		33	0	18	12
		32	0	5	86
		49	0	7	60
		50	0	0	1

गाँव	आधिकारिता सूची सं०	प्लॉट सं०	क्षेत्रफल		
			हेक्टेयर	अप्रर	रेटिअर
1	2	3	4	5	6
मधुरपुर	82	925	0	6	68
		924	0	3	43
		923	0	2	42
		933	0	1	61
		922	0	0	76
		935	0	3	24
		934	0	0	1
		936	0	1	71
		937	0	1	31
		938	0	0	95
		1014	0	3	64
		916	0	3	50
		921	0	10	93
		920	0	2	27
		437	0	0	63
		440	0	7	24
		1007	0	3	89
		1607	0	2	75
		1606	0	4	54
		456	0	1	88
		457	0	2	2

1	2	3	4	5	6
		458	0	2	71
		459	0	0	57
		464	0	6	12
		462	0	1	62
		465	0	4	85
		463	0	0	38
		469	0	2	90
		467	0	0	91
		468	0	3	34
		471	0	0	1
		472	0	5	56
		1005	0	0	39
		1004	0	2	78
		475	0	1	55
		499	0	1	46
		411	0	20	94
		412	0	18	93
		408	0	0	89
		1617	0	3	24
		1616	0	5	28
		1615	0	0	36
		409	0	0	74

[सं.आर-31015/8/96 ओ.आर 1]

के. सी. कटोच, अवर सचिव

New Delhi, the 18th June 1997

S.O. 1583.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 152, dated the 25th January, 1997, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for the transport of petroleum from Haldia in the State of West Bengal to Barauni in the State of Bihar.

And whereas, the copies of the said notification were made available to the public on the 24th February, 1997;

And whereas, the Competent Authority in pursuance of sub-section (1) of the section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by the sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, in the Indian Oil Corporation Limited free from all encumbrances.

Schedule

Police Station : Khanakul		District : Hooghly		State : West Bengal	
Village	Jurisdiction list No.	Plot No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Noada Narayanpur	40	38	0	5	51
		37	0	2	8
		36	0	0	41

1	2	3	4	5	6
		40	0	0	90
		33	0	18	12
		32	0	5	86
		49	0	7	60
		50	0	0	1

Police Station : Arambagh

District : Hooghly

State : West Bengal

Village	Jurisdiction list No.	Plot No.	Area		
			Hectares	Area	Centiares
1	2	3	4	5	6
Madhurpur	82	925	0	6	68
		924	0	3	43
		923	0	2	42
		933	0	1	61
		922	0	0	76
		935	0	3	24
		934	0	0	1
		936	0	1	71
		937	0	1	31
		938	0	0	95
		1014	0	3	64
		916	0	3	50
		921	0	10	93
		920	0	2	27
		437	0	0	63
		440	0	7	24
		1007	0	3	89
		1607	0	2	75
		1606	0	4	54

1	2	3	4	5	6
		456	Ø	1	88
		457	Ø	2	2
		458	Ø	2	71
		459	Ø	Ø	57
		464	Ø	6	12
		462	Ø	1	62
		465	Ø	4	85
		463	Ø	Ø	38
		469	Ø	2	90
		467	Ø	Ø	91
		468	Ø	3	34
		471	Ø	Ø	1
		472	Ø	5	56
		1005	Ø	Ø	39
		1004	Ø	2	78
		475	Ø	1	55
		499	Ø	1	46
		411	Ø	28	94
		412	Ø	18	93
		408	Ø	Ø	89
		1617	Ø	3	24
		1616	Ø	5	28
		1615	Ø	Ø	36
		409	Ø	Ø	74

[No R-31015/8/96-OR-I

K C Katoch, Under Secy

नई दिल्ली, 18 जून 1997

का० आ० 1584. केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 2989 तारीख 26 अक्टूबर, 1996 पश्चिमी बंगाल राज्य के हुल्दिया से बिहार राज्य के बरौनी तक पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन हेतु उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त अधिसूचना की प्रतियाँ जनता की तारीख 10 मार्च 1997 को उपलब्ध करा दी गई थी ;

और उक्त अधिनियम की धारा 6 उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर निचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है ;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लिंगमों से भक्त इंडियन ऑयल कार्पोरेशन लिमिटेड में निहित होगा ।

पुलिस थाना : आरामबाग		जिला : हुगली		राज्य : पश्चिमी बंगाल	
गाँव	अधिकारिता सूची संख्या	प्लॉट संख्या	हेक्टेयर	क्षेत्र रुघर	सेंटीरुघर
1	2	3	4	5	6
दीक्षिण रसूलपुर	132	1832	0	0	28

[सं. आर 31015/12/96-ओ.आर. I]

के. सी. कटोच, अवर सचिव

New Delhi, the 18th June 1997

S.O. 1584—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2989, dated the 26th October, 1996, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for the transport of petroleum from Maldia in the State of West Bengal to Barauni in the State of Bihar.

And whereas, the copies of the said notification were made available to the public on the 10th day of March, 1997;

And whereas, the Competent Authority in pursuance of sub-section (1) of the section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by the sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, in the Indian Oil Corporation Limited free from all encumbrances.

Police Station: Arambagh District: Hooghly				State : West Bengal		
Village	Jurisdiction List No	Plot No	Area			
			Hectares	Ares	Centiares	
1	2	3	4	5	6	
Dakshin Rashulpur	132	1832	0	0	28	

[No. R-31015/12/96-OR-I]

K C. Katoch. Under Secy.

नई दिल्ली, 18 जून 1997

का० आ० 1585.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) को धारा 3 उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 3239 तारीख 23 नवम्बर, 1996 पश्चिमी बंगाल राज्य के हल्दिया से बिहार राज्य के बरौनी तक पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन हेतु उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 06 जनवरी, 1997 को उपलब्ध करा दी गई थी ;

और उक्त अधिनियम को धारा 6 उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम को धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती हैं कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है ;

यह और कि केन्द्रीय सरकार उक्त धारा को उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लिंगमों से मक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

आनुसूची

पुलिस थाना : रतुडकोव		जिला : तर्पमान		राज्य : पश्चिमी बंगाल	
गांव	आधिकारिता सूची संख्या	प्लॉट संख्या	हेक्टेयर	क्षेत्र	सेटी क्षेत्र
1	2	3	4	5	6
तारापोश	81	29	0	5	38
सारंगा	58	2279	0	3	9

पुलिस थाना : गलसी		जिला : नर्धमान		राज्य : पश्चिमी बंगाल	
गांव	आधिकारिता सूची संख्या	प्लॉट संख्या	हेक्टेयर	क्षेत्र	सेटी क्षेत्र
1	2	3	4	5	6
बेलग्राम	152	3178	0	4	53

[सं. आर-31015/15/96-ओ.आर.-I]

के. सी. फटोच, अवर सचिव

New Delhi, the 18th June 1997

S.O. 1585 — Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 3235 dated the 23rd day of November, 96 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1952 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for the transport of petroleum from Haldia in the State of West Bengal to Barauni in the State of Bihar.

And whereas, the copies of the said notification were made available to the public on the 6th day of January, 1997.

And whereas, the Competent Authority in pursuance of sub-section (1) of the section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by the sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, in the Indian Oil Corporation Limited free from all encumbrances.

Schedule

Police Station: Khandaghosh District: Burdwan State: West Bengal

Village	Jurisdiction List No.	Plot No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Taraposh	81	29	0	5	38
Sasanga	58	2279	0	3	9

Police Station: Galsi District: Burdwan State: West Bengal

Village	Jurisdiction List No.	Plot No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Belgram	152	3178	0	4	53

[No. R-31015/15/96-OR-I

K.C. Katoh, Under Secy

नई दिल्ली, 18 जून 1997

का० आ० 1586.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) को धारा 3 उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 2215, तारीख 27 जुलाई 1996, पश्चिमी बंगाल राज्य के हल्दिया से बिहार राज्य के बरौनी तक पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन हेतु उस अधिसूचना से संलग्न अनसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय को घोषणा की थी ;

और उक्त अधिसूचना को प्रतियाँ जनता को तारीख 04 मार्च 1997 को उपलब्ध करा दी गई थी ;

और उक्त अधिनियम को धारा 6 उपधारा (1) के अनुरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम को धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना से संलग्न अनसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है ;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लिंगमों से मक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

मुलिस थाना : इलामबाजार जिला : बीरभूम राज्य : पश्चिमी बंगाल

गाँव	अधिकारिता सूची संख्या	प्लॉट संख्या	क्षेत्र		
			हेक्टेयर	एकर	सेंटीएकर
1	2	3	4	5	6
गोपाल नगर	132	1	0	3	24
		43	0	13	15
		6	0	0	20
		42	0	8	90
		7	0	2	2
		39	0	12	55
		2403	0	1	1
		2402	0	6	48
		38	0	4	5
		84	0	8	9
		89	0	4	45
		88	0	4	65
		97	0	0	40
		98	0	6	48
		103	0	8	50
		102	0	3	24
		2416	0	1	1
		2415	0	6	7
		108	0	2	43
		109	0	3	64
		107	0	0	61
		114	0	0	40
		115	0	0	20
		113	0	9	11
		120	0	3	64

1	2	3	4	5	6
		119	0	1	21
		117	0	8	90
		121	0	1	62
		129	0	7	49
		2417	0	5	6
		140	0	8	90
कमरपाडा	131	32	0	3	24
		64	0	2	23
		65	0	2	83
		67	0	2	43
		68	0	5	26
		70	0	7	69
		71	0	7	28
		81	0	7	69
		82	0	4	5
		90	0	12	55
		89	0	0	61
		87	0	4	86
		107	0	0	81
		108	0	10	72
		109	0	4	5
		80	0	1	62
		86	0	0	20
रामनगर	130	904	0	5	67
		917	0	0	20
		916	0	6	48
		945	0	3	64
		944	0	10	52
		940	0	6	7

1	2	3	4	5	6
		942	0	1	21
		941	0	5	67
		939	0	5	67
		937	0	1	62
		936	0	14	16
		934	0	6	68
		935	0	1	21
		1003	0	2	2
		1005	0	2	43
		1013	0	3	64
		1014	0	0	81
		1015	0	2	43
		1016	0	2	2
		1017	0	0	40
		1012	0	3	24
		1011	0	2	43
		1018	0	4	45
		1004	0	1	62
पुरबानाशायणपुर	114	1079	0	10	12
		475	0	3	24
		474	0	7	69
		473	0	5	26
		476	0	3	24
		472	0	1	62
		477	0	8	9
		478	0	3	44
		479	0	1	21

1	2	3	4	5	6
		491	0	6	7
		480	0	3	24
		493	0	2	2
		494	0	30	76
		673	0	1	21
		666	0	0	20
		667	0	6	48
		668	0	6	48
		662	0	0	20
		669	0	6	7
		661	0	1	1
		713	0	6	7
		712	0	5	26
		714	0	10	12
		716	0	13	36
		734	0	8	9
		733	0	6	48
		732	0	5	26
		756	0	9	71
		1014	0	4	45
		1015	0	7	69
		1016	0	14	16
		1017	0	2	23
		1018	0	2	23
		1019	0	4	45
		1021	0	5	6
		1022	0	18	82
		1040	0	6	88
		1039	0	4	45

1	2	3	4	5	6
		1038	0	2	83
		1037	0	6	88
		1033	0	12	14
		752	0	21	4
गोन्टीकुरी	110	2066	0	6	48
		2067	0	6	7
		2073	0	7	28
		2075	0	4	45
		2076	0	1	42
माटीकोना	115	10	0	3	64
		11	0	4	45
		9	0	7	28
		5	0	9	31
		7	0	5	67
		6	0	14	57
		120	0	6	48
		119	0	0	40
		140	0	19	43
		143	0	8	90
		170	0	2	2
		144	0	3	24
		163	0	3	24
		164	0	3	24
		169	0	4	45
		167	0	2	43
		165	0	0	81
		168	0	2	43
		189	0	3	64
		159	0	1	21

1	2	3	4	5	6
		190	0	0	40
		188	0	14	97
		191	0	0	20
		195	0	0	20
		196	0	0	20
		186	0	2	43
		187	0	16	19
		979	0	1	21
		980	0	0	81
		978	0	6	7
		990	0	2	43
		989	0	0	20
		992	0	0	20
		994	0	1	82
		995	0	5	26
		996	0	0	24
		997	0	8	90
		999	0	1	62
		1001	0	6	48
		1039	0	5	26
		1040	0	7	28
		1042	0	1	62
		1043	0	3	24
		1044	0	0	16
		1045	0	0	16
		1046	0	5	26
		1148	0	0	40

1	2	3	4	5	6
		1149	0	0	81
		1151	0	10	52
पंचतंतुले	108	230	0	5	26
		241	0	6	88
		244	0	6	83
		246	0	1	21
		245	0	8	90
		247	0	8	9
		248	0	0	20
		252	0	0	20
		251	0	8	9
		363	0	3	64
		369	0	7	28
		370	0	5	67
		359	0	2	81
		497	0	3	24
		381	0	0	40
		382	0	8	90
		388	0	0	40
		389	0	0	40
		387	0	2	83
		384	0	1	62
		386	0	1	62
		364	0	4	45
काथरा	107	1436	0	3	64
		1435	0	0	20
		1433	0	4	86

1	2	3	4	5	6
		1432	0	5	26
		1428	0	1	62
		1429	0	4	86
		1431	0	0	40
		1430	0	3	64
		1426	0	0	20
		1425	0	2	2
		1451	0	2	43
		1452	0	7	28
		1453	0	4	86
		1491	0	4	86
		1488	0	2	43
		1489	0	1	21
		1490	0	4	5
		1991	0	0	81
		1475	0	4	45
		1473	0	0	20
		1472	0	0	81
		1471	0	2	2
		1476	0	9	31
		3209	0	7	69
		3208	0	1	21
		2337	0	0	81
		2434	0	3	24
		2435	0	3	24
		2432	0	6	88
		2431	0	2	43
		2430	0	1	21
		2436	0	0	40

1	2	3	4	5	6
		2429	0	5	26
		2428	0	4	5
		2135	0	19	2
		2139	0	0	40
		2140	0	0	40
		2142	0	8	90
		2150	0	8	50
		2148	0	0	20
		2147	0	5	26
		2146	0	4	45
		2145	0	1	42
		2300	0	4	86
		2156	0	0	40
		2298	0	1	62
		2299	0	1	62
		2323	0	0	40
		2317	0	7	28
		2316	0	0	20
		2318	0	4	5
		2320	0	8	9
		2322	0	5	87
		2356	0	4	86
		2366	0	4	45
		2367	0	8	50
		2370	0	4	45
		2371	0	8	50
		2354	0	2	43
		2353	0	2	43

1	2	3	4	5	6
		1487	0	1	21
		2125	0	0	81
		2426	0	2	2
पदियारा	106	1657	0	3	24
		2241	0	1	21
		1655	0	0	20
		1656	0	10	12
		1667	0	3	64
		1651	0	0	81
		1650	0	12	14
		1845	0	14	16
		1844	0	2	43
		1846	0	2	83
		1847	0	2	43
		1848	0	1	62
		1850	0	4	5
		1851	0	6	48
		2624	0	7	28
		1597	0	13	76
		1596	0	14	16
		1865	0	0	20
		1868	0	5	26
		1871	0	14	16
		1855	0	8	9
		1595	0	0	20
		1863	0	3	24
		1866	0	8	90
		1867	0	4	5

1	2	3	4	5	6
		1967	0	15	38
		1970	0	0	20
		1974	0	5	67
		1975	0	10	12
		1963	0	4	5
		1964	0	3	24
		1962	0	4	86
		1979	0	6	88
		1977	0	4	86
		1986	0	6	7
		1987	0	0	40
		1985	0	4	45
		2001	0	4	45
		2003	0	3	64
		2006	0	4	86
		2005	0	0	20
		2007	0	4	86
		2020	0	8	9
		2019	0	0	81
		2024	0	4	45
		2023	0	3	24
		2050	0	2	63
		2063	0	3	24
		2062	0	0	81
		2053	0	6	48
		2054	0	0	40
		2061	0	2	43
		2055	0	2	2

1	2	3	4	5	6
पैकुनी	105	2060	0	1	21
		2056	0	8	9
		2041	0	0	20
		1724	0	4	45
		1723	0	1	62
		1725	0	4	86
		1741	0	5	67
		1734	0	0	20
		1735	0	0	40
		1737	0	0	20
		1738	0	6	88
		1739	0	6	48
		1740	0	7	28
		960	0	3	64
		959	0	7	28
		958	0	8	50
		957	0	1	62
		956	0	3	24
		953	0	4	5
		952	0	0	20
		951	0	4	5
		950	0	2	43
		949	0	3	24
		983	0	0	40
		984	0	0	20
		947	0	3	24
		946	0	2	2
		944	0	2	43
		945	0	0	81

1	2	3	4	5	6
		941	0	1	21
		940	0	3	64
		939	0	8	9
		999	0	2	43
		998	0	3	24
		1002	0	3	64
		1003	0	8	9
		996	0	1	1
		1111	0	3	64
		1110	0	4	45
		1109	0	0	20
		1108	0	3	64
		1107	0	3	24
		1106	0	0	40
		1105	0	1	62
		1300	0	2	83
		1283	0	3	64
		1838	0	2	2
		1281	0	1	21
		1282	0	4	5
		1279	0	2	43
		1278	0	1	62
		1277	0	3	24
		1284	0	2	83
		1269	0	5	67
		1271	0	15	38

1	2	3	4	5	6
		1272	0	0	81
		1274	0	2	2
		1275	0	0	40
		1270	0	17	0
		1704	0	0	81
		1291	0	2	2
		1292	0	2	83
		1293	0	2	43
		1294	0	1	62
		1295	0	2	2
		1296	0	2	43
		1297	0	0	40
		1298	0	2	83
नृपतिग्राम	43	1406	0	5	67
		1405	0	2	83
		854	0	8	90
		855	0	8	9
		1336	0	5	26
		1330	0	2	83
		1331	0	3	84
		1332	0	3	3
		1333	0	0	20
		1321	0	4	5
		1322	0	2	22
		1323	0	3	24
		1319	0	5	26
		1320	0	5	67
		1314	0	4	86

1	2	3	4	5	6
		1315	0	4	5
		1311	0	8	90
		1279	0	3	64
		1280	0	4	5
		1278	0	14	97
		1276	0	5	87
		1277	0	4	86
		1275	0	8	90
		1274	0	6	48
		1254	0	0	20
गोपीनाथपुर	44	3688	0	2	83
		3689	0	2	83
		3684	0	4	5
		3683	0	4	45
		3682	0	8	90
		3664	0	0	40
		3665	0	8	90
		3679	0	10	12
		3680	0	0	40
		3592	0	0	81
		3836	0	0	60
		4074	0	5	26
		3838	0	0	81
		3839	0	3	24
		3835	0	2	43
		4043	0	0	20
		4073	0	2	43
		3840	0	12	14

1	2	3	4	5	6
		3841	0	0	20
		3860	0	2	2
		3859	0	3	24
		3861	0	3	24
		3862	0	2	2
		3863	0	9	71
		3866	0	1	1
		3867	0	4	5
		3868	0	5	26
		3902	0	9	31
		3901	0	3	24
		3900	0	3	64
		3892	0	4	45
		3891	0	1	62
		3890	0	2	83
		3885	0	0	20
		3884	0	2	2
		3883	0	2	2
		3882	0	12	14
		3916	0	22	26
		3948	0	0	40
		3949	0	10	93
		3950	0	6	88
		3951	0	2	43
		3966	0	4	86
		3965	0	0	40
		3969	0	3	64
		3962	0	2	2
		3963	0	2	83

1	2	3	4	5	6
		3894	0	38	5
		3915	0	2	83
रकोना	45	625	0	0	81
		631	0	4	45
		630	0	4	45
		626	0	0	40
		988	0	2	83
		629	0	3	24
		580	0	0	81
		579	0	10	93
		956	0	2	2
		957	0	5	67
		571	0	1	62
		577	0	4	5
		572	0	1	41
		954	0	2	83
		573	0	6	7
		574	0	0	40
		561	0	3	64
		560	0	1	1
		544	0	9	71
		559	0	0	20
		545	0	6	48
		549	0	0	40
		546	0	0	20
		547	0	3	24
		548	0	1	1
		918	0	3	64
		688	0	4	45

1	2	3	4	5	6
		689	0	6	7
		690	0	6	48
		691	0	3	24
		868	0	4	86
		867	0	4	45
		866	0	4	45
		953	0	1	62
		883	0	5	62
		884	0	5	67
		885	0	7	28
धर्मपुर	46	1936	0	0	81
		1929	0	2	2
		1928	0	7	28
		1927	0	0	40
		1926	0	4	86
		1628	0	2	83
		1629	0	6	7
		1630	0	3	24
		2528	0	0	40
		1636	0	11	75
		1637	0	3	64
		1633	0	5	26
		1641	0	0	40
		1679	0	4	45
		1681	0	1	21
		1680	0	1	21
		1686	0	5	26
		1687	0	4	86

1	2	3	4	5	6
		1688	0	7	28
		1693	0	1	21
		1692	0	2	83
		1694	0	1	21
		1695	0	1	62
		1696	0	4	5
		1697	0	0	20
		1790	0	0	40
		1792	0	2	2
		1791	0	4	45
		1793	0	0	40
		1798	0	5	67
		1797	0	2	83
		2535	0	0	20
		1639	0	3	24
		1640	0	1	62
		1584	0	2	83
		1890	0	8	50
		1889	0	0	81
		1933	0	9	31
		1935	0	5	67
		1930	0	1	21
शुनित	47	6	0	2	43
		11	0	5	67
		17	0	7	28
		29	0	3	24
		28	0	0	20
		30	0	1	62

1	2	3	4	5	6
		31	0	0	60
		32	0	6	48
		121	0	0	20
		127	0	3	64
		122	0	7	89
		123	0	5	67
		119	0	3	64
		116	0	6	88
		118	0	11	74
		115	0	0	20
		111	0	16	19
		166	0	0	20
		170	0	0	20
		169	0	2	22
		168	0	1	21
		277	0	6	7
		275	0	1	62
		181	0	1	21
		182	0	1	21
		274	0	4	45
		271	0	2	83
		272	0	3	24
		270	0	3	64
		266	0	0	40
		267	0	6	48
		264	0	2	83
		263	0	2	83
		260	0	5	26

1	2	3	4	5	6
		230	0	0	81
		222	0	4	86
		259	0	0	81
		228	0	0	20
		229	0	3	64
		226	0	5	67
		232	0	1	21
		537	0	1	21
		535	0	0	81
		536	0	2	2
		534	0	4	45
		538	0	1	1
		532	0	1	62
		528	0	1	62
		533	0	0	60
		1109	0	0	20
		530	0	2	2
		560	0	8	90
		562	0	26	71
		563	0	4	45
		564	0	2	83
		565	0	4	27
		566	0	3	64
		567	0	6	48
		574	0	1	62
		575	0	4	5
		573	0	1	1
		572	0	0	40
		526	0	1	20

1	2	3	4	5	6
		262	0	4	5
		231	0	0	81
साल्क/	48	626	0	1	52
		613	0	3	05
		1402	0	0	74
		643	0	4	52
		614	0	4	87
		638	0	9	71
		640	0	9	31
		639	0	7	28
		615	0	1	94
		566	0	0	20
		644	0	4	5
		617	0	2	92
		645	0	0	20
		642	0	4	5
		650	0	5	26
		651	0	0	81
		649	0	0	81
		657	0	4	5
		659	0	4	45
		1386	0	0	40
		1234	0	4	86
		1265	0	0	20
		618	0	3	48

1	2	3	4	5	6
		1228	0	5	67
		1266	0	5	26
		1294	0	6	88
		1295	0	12	14
		1297	0	4	86
		1300	0	5	67
		1391	0	0	81
		1301	0	9	71
		660	0	0	40
		661	0	6	7
		662	0	3	24
		1235	0	0	81
		675	0	3	64
		674	0	4	86
		672	0	2	2
		1174	0	4	45
		1176	0	3	24
		671	0	6	88
		1175	0	1	21
		1173	0	4	5
		673	0	0	40
		1177	0	0	81
		1172	0	5	26
		1171	0	5	26
		676	0	4	5

1	2	3	4	5	6
		1169	0	6	7
		1168	0	4	45
		1167	0	4	5
		1166	0	8	90
		1196	0	0	20
		1194	0	0	40
		1205	0	0	81
		1206	0	4	45
		1243	0	3	64
		1385	0	5	67
		1204	0	0	20
		1309	0	0	20
		1239	0	6	48
		1215	0	3	64
		1307	0	3	64
		1237	0	2	43
		1297	0	4	86
		1236	0	2	43

पुलिस थाना : बौलपुर जिला : बीरभूम राज्य : पश्चिमी बंगाल

गाँव	अधिकारिता सूची संख्या	प्लॉट संख्या	क्षेत्र हेक्टेयर	रुमर	सेंटीमीटर
1	2	3	4	5	6

चंदनपुर 110 3019 0 2 20

1	2	3	4	5	6
मेहिदीपुर	105	1719	0	2	02
		2320	0	0	81
रूपपुर	52	349	0	6	48
		2933	0	1	21
		2935	0	1	62
		2936	0	1	21
उदयपुर	111	109	0	0	40
		105	0	9	31
		140	0	0	40
		107	0	4	45
		114	0	0	40
		112	0	0	40
		111	0	12	14
		110	0	5	67

[स. अ. 31015/7 अ. ओ. अ. 1]

क. श्री. कलोन अथवा सचिव

New Delhi, the 18th June 1997

S.O. 1586.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2215 dated the 27th day of July, 1996, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for the transport of petroleum from Haldia in the State of West Bengal to Barauni in the State of Bihar.

And whereas, the copies of the said notification were made available to the public on the 4th day of March, 1997;

And whereas, the Competent Authority in pursuance of sub-section (1) of the section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by the sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, in the Indian Oil Corporation Limited free from all encumbrances.

Police Station: Illambazar; District: Birbhum ; State : West Bengal

Village	Jurisdiction List No	Plot No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Gopalnagar	132	1	0	3	24
		43	0	13	15
		6	0	0	20
		42	0	8	90
		7	0	2	2
		39	0	12	55
		2403	0	1	1
		2402	0	6	48
		38	0	4	5
		84	0	8	9
		89	0	4	45
		88	0	4	65
		97	0	0	40
		98	0	6	48
		103	0	8	50
		102	0	3	24
		2416	0	1	1
		2415	0	6	7
		108	0	2	43
		109	0	3	64
		107	0	0	61
		114	0	0	40
		115	0	0	20
		113	0	9	11
		120	0	3	64

1	2	3	4	5	6
		119	0	1	21
		117	0	8	90
		121	0	1	62
		129	0	7	49
		2417	0	5	6
		140	0	8	90
Kamarpara	131	32	0	3	24
		64	0	2	23
		65	0	2	83
		67	0	2	43
		68	0	5	26
		70	0	7	69
		71	0	7	28
		81	0	7	69
		82	0	4	5
		90	0	12	55
		89	0	0	61
		87	0	4	86
		107	0	0	81
		108	0	10	72
		109	0	4	5
		80	0	1	62
		86	0	0	20
Ramnagar	130	904	0	5	67
		917	0	0	20
		916	0	6	48
		945	0	3	64
		944	0	10	52
		940	0	6	7

1	2	3	4	5	6
		942	0	1	21
		941	0	5	67
		939	0	5	67
		937	0	1	62
		936	0	14	16
		934	0	6	68
		935	0	1	21
		1003	0	2	2
		1005	0	2	43
		1013	0	3	64
		1014	0	0	81
		1015	0	2	43
		1016	0	2	2
		1017	0	0	40
		1012	0	3	24
		1011	0	2	43
		1018	0	4	45
		1004	0	1	62
Purbanarayan- 114 pur		1079	0	10	12
		475	0	3	24
		474	0	7	69
		473	0	5	26
		476	0	3	24
		472	0	1	62
		477	0	8	9
		478	0	3	44
		479	0	1	21

1	2	3	4	5	6
		491	0	6	7
		480	0	3	24
		493	0	2	2
		494	0	30	76
		673	0	1	21
		666	0	0	20
		667	0	6	48
		668	0	6	48
		662	0	0	20
		669	0	6	7
		661	0	1	1
		713	0	6	7
		712	0	5	26
		714	0	10	12
		716	0	13	36
		734	0	8	9
		733	0	6	48
		732	0	5	26
		756	0	9	71
		1014	0	4	45
		1015	0	7	69
		1016	0	14	16
		1017	0	2	23
		1018	0	2	23
		1019	0	4	45
		1021	0	5	6
		1022	0	18	82
		1040	0	6	88
		1039	0	4	45

1	2	3	4	5	6
		1038	0	2	83
		1037	0	6	88
		1033	0	12	14
		752	0	21	4
Goltikuri	110	2066	0	6	48
		2067	0	6	7
		2073	0	7	28
		2075	0	4	45
		2076	0	1	42
Matikona	115	10	0	3	64
		11	0	4	45
		9	0	7	28
		5	0	9	31
		7	0	5	67
		6	0	14	57
		120	0	6	48
		119	0	0	40
		140	0	19	43
		143	0	8	90
		170	0	2	2
		144	0	3	24
		163	0	3	24
		164	0	3	24
		169	0	4	45
		167	0	2	43
		165	0	0	81
		168	0	2	43
		189	0	3	64
		159	0	1	21

1	2	3	4	5	6
		190	0	0	40
		188	0	14	97
		191	0	0	20
		195	0	0	20
		196	0	0	20
		186	0	2	43
		187	0	16	19
		979	0	1	21
		980	0	0	81
		978	0	6	7
		990	0	2	43
		989	0	0	20
		992	0	0	20
		994	0	1	82
		995	0	5	26
		996	0	0	24
		997	0	8	90
		999	0	1	62
		1001	0	6	48
		1039	0	5	26
		1040	0	7	28
		1042	0	1	62
		1043	0	3	24
		1044	0	0	16
		1045	0	0	16
		1046	0	5	26
		1148	0	0	40

1	2	3	4	5	6
		1149	0	0	81
		1151	0	10	52
Panchtentule	108	230	0	5	26
		241	0	6	88
		244	0	6	83
		246	0	1	21
		245	0	8	90
		247	0	8	9
		248	0	0	20
		252	0	0	20
		251	0	8	9
		363	0	3	64
		369	0	7	28
		370	0	5	67
		359	0	2	81
		497	0	3	24
		381	0	0	40
		382	0	8	90
		388	0	0	40
		389	0	0	40
		387	0	2	83
		384	0	1	62
		386	0	1	62
		364	0	4	45
Kayera	107	1436	0	3	64
		1435	0	0	20
		1433	0	4	86

1	2	3	4	5	6
		1432	0	5	26
		1428	0	1	62
		1429	0	4	86
		1431	0	0	40
		1430	0	3	64
		1426	0	0	20
		1425	0	2	2
		1451	0	2	43
		1452	0	7	28
		1453	0	4	86
		1491	0	4	86
		1488	0	2	43
		1489	0	1	21
		1490	0	4	5
		1991	0	0	81
		1475	0	4	45
		1473	0	0	20
		1472	0	0	81
		1471	0	2	2
		1476	0	9	31
		3209	0	7	69
		3208	0	1	21
		2337	0	0	81
		2434	0	3	24
		2435	0	3	24
		2432	0	6	88
		2431	0	2	43
		2430	0	1	21
		2436	0	0	40

1	2	3	4	5	6
		2429	0	5	26
		2428	0	4	5
		2135	0	19	2
		2139	0	0	40
		2140	0	0	40
		2142	0	8	90
		2150	0	8	50
		2148	0	0	20
		2147	0	5	26
		2146	0	4	45
		2145	0	1	42
		2300	0	4	86
		2156	0	0	40
		2298	0	1	62
		2299	0	1	62
		2323	0	0	40
		2317	0	7	28
		2316	0	0	20
		2318	0	4	5
		2320	0	8	9
		2322	0	5	87
		2356	0	4	86
		2366	0	4	45
		2367	0	8	50
		2370	0	4	45
		2371	0	8	50
		2354	0	2	43
		2353	0	2	43

1	2	3	4	5	6
		1487	0	1	21
		2125	0	0	81
		2426	0	2	2
Pachlana	106	1657	0	3	24
		2241	0	1	21
		1655	0	0	20
		1656	0	10	12
		1667	0	3	64
		1651	0	0	81
		1650	0	12	14
		1845	0	14	16
		1844	0	2	43
		1846	0	2	83
		1847	0	2	43
		1848	0	1	62
		1850	0	4	5
		1851	0	6	48
		2624	0	7	28
		1597	0	13	76
		1596	0	14	16
		1865	0	0	20
		1868	0	5	26
		1871	0	14	16
		1855	0	8	9
		1595	0	0	20
		1863	0	3	24
		1866	0	8	90
		1867	0	4	5

1	2	3	4	5	6
		1967	0	15	38
		1970	0	0	20
		1974	0	5	67
		1975	0	10	12
		1963	0	4	5
		1964	0	3	24
		1962	0	4	86
		1979	0	6	88
		1977	0	4	86
		1986	0	6	7
		1987	0	0	40
		1985	0	4	45
		2001	0	4	45
		2003	0	3	64
		2006	0	4	86
		2005	0	0	20
		2007	0	4	86
		2020	0	8	9
		2019	0	0	81
		2024	0	4	45
		2023	0	3	24
		2050	0	2	63
		2063	0	3	24
		2062	0	0	81
		2053	0	6	48
		2054	0	0	40
		2061	0	2	43
		2055	0	2	2

1	2	3	4	5	6
Paikuni	105	2060	0	1	21
		2056	0	8	9
		2041	0	0	20
		1724	0	4	45
		1723	0	1	62
		1725	0	4	86
		1741	0	5	67
		1734	0	0	20
		1735	0	0	40
		1737	0	0	20
		1738	0	6	88
		1739	0	6	48
		1740	0	7	28
		960	0	3	64
		959	0	7	28
		958	0	8	50
		957	0	1	62
		956	0	3	24
		953	0	4	5
		952	0	0	20
		951	0	4	5
		950	0	2	43
		949	0	3	24
		983	0	0	40
		984	0	0	20
		947	0	3	24
		946	0	2	2
		944	0	2	43
		945	0	0	81

1	2	3	4	5	6
		941	0	1	21
		940	0	3	64
		939	0	8	9
		999	0	2	43
		998	0	3	24
		1002	0	3	64
		1003	0	8	9
		996	0	1	1
		1111	0	3	64
		1110	0	4	45
		1109	0	0	20
		1108	0	3	64
		1107	0	3	24
		1106	0	0	40
		1105	0	1	62
		1300	0	2	83
		1283	0	3	64
		1838	0	2	2
		1281	0	1	21
		1282	0	4	5
		1279	0	2	43
		1278	0	1	62
		1277	0	3	24
		1284	0	2	83
		1269	0	5	67
		1271	0	15	38

1	2	3	4	5	6
		1272	0	0	81
		1274	0	2	2
		1275	0	0	40
		1270	0	17	0
		1704	0	0	81
		1291	0	2	2
		1292	0	2	83
		1293	0	2	43
		1294	0	1	62
		1295	0	2	2
		1296	0	2	43
		1297	0	0	40
		1298	0	2	83
Nripatigram	43	1406	0	5	67
		1405	0	2	83
		854	0	8	90
		855	0	8	9
		1336	0	5	26
		1330	0	2	83
		1331	0	3	84
		1332	0	3	3
		1333	0	0	20
		1321	0	4	5
		1322	0	2	22
		1323	0	3	24
		1319	0	5	26
		1320	0	5	67
		1314	0	4	86

1	2	3	4	5	6
		1315	0	4	5
		1311	0	8	90
		1279	0	3	64
		1280	0	4	5
		1278	0	14	97
		1276	0	5	87
		1277	0	4	86
		1275	0	8	90
		1274	0	6	48
		1254	0	0	20
Gopinathpur	44	3688	0	2	83
		3689	0	2	83
		3684	0	4	5
		3683	0	4	45
		3682	0	8	90
		3664	0	0	40
		3665	0	8	90
		3679	0	10	12
		3680	0	0	40
		3592	0	0	81
		3836	0	0	60
		4074	0	5	26
		3838	0	0	81
		3839	0	3	24
		3835	0	2	43
		4043	0	0	20
		4073	0	2	43
		3840	0	12	14

1	2	3	4	5	6
		3841	0	0	20
		3860	0	2	2
		3859	0	3	24
		3861	0	3	24
		3862	0	2	2
		3863	0	9	71
		3866	0	1	1
		3867	0	4	5
		3868	0	5	26
		3902	0	9	31
		3901	0	3	24
		3900	0	3	64
		3892	0	4	45
		3891	0	1	62
		3890	0	2	83
		3885	0	0	20
		3884	0	2	2
		3883	0	2	2
		3882	0	12	14
		3916	0	22	26
		3948	0	0	40
		3949	0	10	93
		3950	0	6	88
		3951	0	2	43
		3966	0	4	86
		3965	0	0	40
		3969	0	3	64
		3962	0	2	2
		3963	0	2	83

1	2	3	4	5	6
		3894	0	38	5
		3915	0	2	83
Rakona	45	625	0	0	81
		631	0	4	45
		630	0	4	45
		626	0	0	40
		988	0	2	83
		629	0	3	24
		580	0	0	81
		579	0	10	93
		956	0	2	2
		957	0	5	67
		571	0	1	62
		577	0	4	5
		572	0	1	41
		954	0	2	83
		573	0	6	7
		574	0	0	40
		561	0	3	64
		560	0	1	1
		544	0	9	71
		559	0	0	20
		545	0	6	48
		549	0	0	40
		546	0	0	20
		547	0	3	24
		548	0	1	1
		918	0	3	64
		688	0	4	45

1	2	3	4	5	6
		689	0	6	7
		690	0	6	48
		691	0	3	24
		868	0	4	86
		867	0	4	45
		866	0	4	45
		953	0	1	62
		883	0	5	62
		884	0	5	67
		885	0	7	28
Dharampur	46	1936	0	0	81
		1929	0	2	2
		1928	0	7	28
		1927	0	0	40
		1926	0	4	86
		1628	0	2	83
		1629	0	6	7
		1630	0	3	24
		2528	0	0	40
		1636	0	11	75
		1637	0	3	64
		1633	0	5	26
		1641	0	0	40
		1679	0	4	45
		1681	0	1	21
		1680	0	1	21
		1686	0	5	26
		1687	0	4	86

1	2	3	4	5	6
		1688	0	7	28
		1693	0	1	21
		1692	0	2	83
		1694	0	1	21
		1695	0	1	62
		1696	0	4	5
		1697	0	0	20
		1790	0	0	40
		1792	0	2	2
		1791	0	4	45
		1793	0	0	40
		1798	0	5	67
		1797	0	2	83
		2535	0	0	20
		1639	0	3	24
		1640	0	1	62
		1594	0	2	83
		1890	0	8	50
		1889	0	0	81
		1933	0	9	31
		1935	0	5	67
		1930	0	1	21
Shunut	47	6	0	2	43
		11	0	5	67
		17	0	7	28
		29	0	3	24
		28	0	0	20
		30	0	1	62

1	2	3	4	5	6
		31	0	0	60
		32	0	6	48
		121	0	0	20
		127	0	3	64
		122	0	7	89
		123	0	5	67
		119	0	3	64
		116	0	6	88
		118	0	11	74
		115	0	0	20
		111	0	16	19
		166	0	0	20
		170	0	0	20
		169	0	2	22
		168	0	1	21
		277	0	6	7
		275	0	1	62
		181	0	1	21
		182	0	1	21
		274	0	4	45
		271	0	2	83
		272	0	3	24
		270	0	3	64
		266	0	0	40
		267	0	6	48
		264	0	2	83
		263	0	2	83
		260	0	5	26

1	2	3	4	5	6
		230	0	0	81
		222	0	4	86
		259	0	0	81
		228	0	0	20
		229	0	3	64
		226	0	5	67
		232	0	1	21
		537	0	1	21
		535	0	0	81
		536	0	2	2
		534	0	4	45
		538	0	1	1
		532	0	1	62
		528	0	1	62
		533	0	0	60
		1109	0	0	20
		530	0	2	2
		560	0	8	90
		562	0	26	71
		563	0	4	45
		564	0	2	83
		565	0	4	27
		566	0	3	64
		567	0	6	48
		574	0	1	62
		575	0	4	5
		573	0	1	1
		572	0	0	40
		526	0	1	20

1	2	3	4	5	6
		262	0	4	5
		231	0	0	81
Salka	48	626	0	1	52
		613	0	3	05
		1402	0	0	74
		643	0	4	52
		614	0	4	87
		638	0	9	71
		640	0	9	31
		639	0	7	28
		615	0	1	94
		566	0	0	20
		644	0	4	5
		617	0	2	92
		645	0	0	20
		642	0	4	5
		650	0	5	26
		651	0	0	81
		649	0	0	81
		657	0	4	5
		659	0	4	45
		1386	0	0	40
		1234	0	4	86
		1265	0	0	20
		618	0	3	48

1	2	3	4	5	6
		1228	0	5	67
		1266	0	5	26
		1294	0	6	88
		1295	0	12	14
		1297	0	4	86
		1300	0	5	67
		1391	0	0	81
		1301	0	9	71
		660	0	0	40
		661	0	6	7
		662	0	3	24
		1235	0	0	81
		675	0	3	64
		674	0	4	86
		672	0	2	2
		1174	0	4	45
		1176	0	3	24
		671	0	6	88
		1175	0	1	21
		1173	0	4	5
		673	0	0	40
		1177	0	0	81
		1172	0	5	26
		1171	0	5	26
		676	0	4	5
		1169	0	6	7
		1168	0	4	45
		1167	0	4	5

1	2	3	4	5	6
		1166	0	8	90
		1196	0	0	20
		1194	0	0	40
		1205	0	0	81
		1206	0	4	45
		1243	0	3	64
		1385	0	5	67
		1204	0	0	20
		1389	0	0	20
		1239	0	6	48
		1215	0	3	64
		1387	0	3	64
		1237	0	2	43
		1297	0	4	86
		1236	0	2	43

Police Station: Bolepur District: Birbhum State: West Bengal

Village	Jurisdiction List No.	Plot No.	Area		
			Hectares	Ares	Centiare
1	2	3	4	5	6
Chandanpur	110	3019	0	2	20
Mehidipur	105	1719	0	2	02
		2320	0	0	01
Ruppur	52	349	0	6	48
		2933	0	1	21
		2935	0	1	62
		2936	0	1	21
Udaypur	111	109	0	0	40
		105	0	9	31
		140	0	0	40
		107	0	4	45
		114	0	0	40
		112	0	0	40
		111	0	12	14
		110	0	5	67

[No. R-31015/7/97-OR-I

K.C. Katoch, Under Secy.

नई दिल्ली 18 जून 1997

का० आ० 1587 — केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) को धारा 3 उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 2216, तारीख 27 जुलाई 1996, पश्चिमी बंगाल राज्य के हुल्दिया से बिहार राज्य के बरौनी तक पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन हेतु उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 04 मार्च 1997 को उपलब्ध करा दी गई थी ;

और उक्त अधिनियम को धारा 6 उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम को धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है ;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लंगमों से मक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची					
पुलिस थाना : ओशग्राम		जिला : बर्धमान		राज्य : पश्चिमी बंगाल	
गाँव	अधिकारिता खूबी संख्या	लॉट संख्या	क्षेत्र हेक्टेयर	रकबा एकर	सेटीअर
1	2	3	4	5	6
अलुतिपा	154	1	0	7	69
		94	0	8	50
		95	0	8	90
		713	0	8	90
		103	0	8	90
		105	0	2	2
		149	0	6	48
		150	0	1	62
		180	0	2	83
		181	0	6	48
		185	0	6	7
		186	0	2	83
		193	0	8	90
		195	0	3	64
		196	0	0	20
		701	0	0	20
		722	0	3	64
		721	0	1	62
		723	0	2	83
		720	0	3	64
		206	0	2	83
		204	0	10	93
		706	0	16	59
		233	0	0	73
		227	0	2	83

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2	3	4	5	6
	3361	0	0	20
	3383	0	1	88
	416	0	2	2
	413	0	7	41
	410	0	5	67
	411	0	0	93
	409	0	7	30
	407	0	2	2
	405	0	4	45
	750	0	5	26
	3500	0	8	80
	3501	0	1	62
	393	0	12	55
	394	0	2	2
	622	0	12	14
	621	0	1	62
	628	0	16	19
	627	0	0	57
	2730	0	4	86
	2731	0	2	83
	3555	0	2	2
	3553	0	0	32
	3554	0	5	67
	3380	0	0	14

1	2	3	4	5	6
		2740	0	1	62
		3556	0	0	40
		2743	0	0	40
		2746	0	5	26
		2794	0	3	24
		2734	0	3	24
		3385	0	3	71
		3381	0	5	10
		3560	0	6	48
		2864	0	1	62
		2862	0	0	40
		2836	0	5	26
		2837	0	9	71
		2838	0	0	81
		2829	0	9	31
		2830	0	0	40
		2828	0	1	62
		2827	0	9	31
		2826	0	0	40
		3066	0	2	43
		3065	0	1	62
		3064	0	2	83
		3067	0	2	43

1	2	3	4	5	6
		3063	0	4	5
		3068	0	1	21
		3069	0	1	21
		3070	0	1	60
		192	0	4	5
		3304	0	1	88
		3305	0	2	87
		3308	0	5	62
		3307	0	1	98
		3309	0	2	55
		3310	0	1	74
		3324	0	6	87
		3322	0	4	55
		3362	0	3	90
		3363	0	10	2
		3626	0	2	18
		3384	0	1	88
		3382	0	1	10
		3381	0	5	10
<hr/>					
	2	3	4	5	6
<hr/>					
120		1126	0	4	5
		1234	0	3	64
		1129	0	0	40
		1130	0	12	55
		1131	0	12	14

1	2	3	4	5	6
		1136	0	0	20
		1137	0	4	45
		1138	0	2	83
		44	0	0	20
		254	0	0	40
		810	0	0	20
		241	0	0	20
श्रीकृष्णापुर	114	353	0	2	02
बवशीबाह पोग्राम	129	2030	0	7	28
		2118	0	4	05
बाबुरबांध	118	1614	0	1	21

1	2	3	4	5	6
		2740	0	1	62
		3556	0	0	40
		2743	0	0	40
		2746	0	5	26
		2794	0	3	24
		2734	0	3	24
		3385	0	3	71
		3381	0	5	10
		3560	0	6	48
		2864	0	1	62
		2862	0	0	40
		2836	0	5	26
		2837	0	8	71
		2838	0	0	81
		2829	0	8	31
		2830	0	0	40
		2828	0	1	62
		2827	0	9	31
		2826	0	0	40
		3066	0	2	43
		3065	0	1	62
		3064	0	2	83
		3067	0	2	43

New Delhi, the 18th June 1997

S.O. 1587 Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2216 dated the 27th day of July, 1996, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for the transport of petroleum from Haldia in the State of West Bengal to Barauni in the State of Bihar.

And whereas, the copies of the said notification were made available to the public on the 4th day of March, 1997;

And whereas, the Competent Authority in pursuance of sub-section (1) of the section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by the sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, in the Indian Oil Corporation Limited free from all encumbrances.

Schedule

Police Station: Aushgram District: Burdwan State: West Bengal

Village	Jurisdiction List No.	Plot No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Alutia	154	1	0	7	69
		94	0	8	50
		95	0	8	90

3322	0	4	55
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3362	0	3	90
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3363	0	10	2
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3626	0	2	13
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3384	0	1	88
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3382	0	1	16
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3381	0	5	10
------	---	---	----

2	3	4	5	6
128	1126	0	4	5

1234	0	3	64
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1128	0	0	40
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1130	0	12	55
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1131	0	12	14
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713	0	8	90
103	0	8	90
105	0	2	2
149	0	6	48
150	0	1	62
180	0	2	83
181	0	6	48
185	0	6	7
186	0	2	83
193	0	8	90
195	0	3	64
196	0	0	20
701	0	0	20
722	0	3	64
721	0	1	62
723	0	2	83
720	0	3	64
206	0	2	83
234	0	10	93
736	0	16	59
233	0	0	73
227	0	2	83
3361	0	0	20
3383	0	1	88

1	2	3	4	5	6
		416	0	2	2
		413	0	7	41
		410	0	5	67
		411	0	0	93
		409	0	7	30
		407	0	2	2
		405	0	4	45
		750	0	5	26
		3500	0	8	90
		3501	0	1	62
		393	0	12	55
		394	0	2	2
		622	0	12	14
		621	0	1	62
		628	0	16	19
		627	0	0	57
		2730	0	4	86
		2731	0	2	83
		3555	0	2	2
		3553	0	0	32
		3554	0	5	67
		3380	0	0	14

1	2	3	4	5	6
		2740	0	1	62
		3556	0	0	40
		2743	0	0	40
		2746	0	5	26
		2794	0	3	24
		2734	0	3	24
		3385	0	3	71
		3381	0	5	10
		3560	0	6	48
		2864	0	1	62
		2862	0	0	40
		2836	0	5	26
		2837	0	8	71
		2838	0	0	81
		2829	0	9	31
		2830	0	0	40
		2828	0	1	62
		2827	0	9	31
		2826	0	0	40
		3066	0	2	43
		3065	0	1	62
		3064	0	2	83
		3067	0	2	43

1	2	3	4	5	6
		3063	0	4	5
		3068	0	1	21
		3069	0	1	21
		3070	0	1	60
		192	0	4	5
		3304	0	1	88
		3305	0	2	87
		3308	0	5	62
		3307	0	1	98
		3309	0	2	55
		3310	0	1	74
		3324	0	6	87
		3322	0	4	55
		3362	0	3	90
		3363	0	10	2
		3626	0	2	10
		3384	0	1	88
		3382	0	1	16
		3381	0	5	10
Report	128	1126	0	4	5
		1234	0	3	64
		1129	0	0	40
		1130	0	12	55
		1131	0	12	14

1	2	3	4	5	6
		1136	0	0	20
		1137	0	4	45
		1138	0	2	03
		44	0	0	20
		254	0	0	40
		010	0	0	20
		241	0	0	20
Srikrishnapur	114	353	0	2	02
Bakshibad Pogram	129	2030 2118	0 0	7 4	28 05
Baburbandh	118	1614	0	1	21
Somaipur	152	2798	0	1	21
Silut	119	1276 1205 1311 1591	0 0 0 0	0 6 0 8	20 48 60 09
Mallikpur	120	705	0	2	83
Beluti	121	1637 50 88 135	0 0 0 0	16 2 0 1	19 03 40 62

[No. R-31015/7/97-OR-I]

K C. Katoch, Under Secy.

नई दिल्ली, 18 जून 1997

का० आ० 1588—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) को धारा 3 उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 2986 तारीख 26 अक्टूबर 1996, पश्चिमो बंगाल राज्य के हुल्दिया से बिहार राज्य के बरौनी तक पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन हेतु उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त अधिसूचना की प्रतियाँ जनता की तारीख 23 दिसम्बर, 96 को उपलब्ध करा दी गई थी ;

और उक्त अधिनियम की धारा 6 उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है ;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लंगमों से मक्त इंडियन ऑयल कार्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची					
पुलिस थाना : औशग्राम		जिला : बर्धमान	राज्य : पश्चिमी बंगाल		
गाँव	अधिवारिता सूची संख्या	प्लॉट संख्या	हेक्टेयर	क्षेत्र	सेंटीशेयर
1	2	3	4	5	6
भडा	175	2924	0	3	41
		2923	0	0	1
		2925	0	4	49
		2926	0	0	52
		2928	0	0	17
		3239	0	4	32
		2929	0	0	21
		2938	0	1	95
		2937	0	1	0
		2936	0	1	39
		2935	0	0	96
		2946	0	2	33
		2943	0	0	93
		2945	0	2	35
		2944	0	1	14
		2949	0	0	12
		2942	0	0	2
		2948	0	0	63
		2871	0	0	60
		2869	0	2	19
		2868	0	4	46
		2866	0	2	31
		2865	0	1	87
		2864	0	3	87

1	2	3	4	5	6
		2735	0	3	27
		2857	0	0	35
		2736	0	1	35
		2737	0	1	89
		2738	0	0	89
		2739	0	2	34
		2740	0	1	67
		2741	0	0	56
		2742	0	6	89
		2743	0	0	14
		2747	0	1	57
		2758	0	4	87
		2757	0	1	4
		2759	0	3	0
		2756	0	4	53
		2760	0	0	93
		2639	0	0	8
		2638	0	0	73
		2636	0	3	76
		2637	0	1	18
		2635	0	1	40
		2644	0	0	7
		2597	0	3	90
		2595	0	1	49
		2596	0	2	32
		2769	0	0	35
		2593	0	0	42
		2592	0	1	91
		2599	0	2	25

1	2	3	4	5	6
		2591	0	0	3
		2590	0	1	51
		2603	0	0	1
		3257	0	0	3
		2600	0	3	53
		2571	0	0	4
		2569	0	3	81
		2537	0	0	22
		3237	0	0	93
		2565	0	2	83
		2566	0	0	9
		1016	0	1	95
		1017	0	5	36
		1018	0	0	84
		1015	0	6	36
		1014	0	0	93
		871	0	0	46
		872	0	6	22
		876	0	0	17
		873	0	2	18
		874	0	4	29
		875	0	4	55
		879	0	4	69
		852	0	3	19
		856	0	3	90
		853	0	5	71

1	2	3	4	5	6
		854	0	0	42
		823	0	5	45
		820	0	0	17
		821	0	0	44
		822	0	0	78
		824	0	0	52
		818	0	2	61
		819	0	1	17
		817	0	1	83
		816	0	0	16
		300	0	3	5
		806	0	0	41
		808	0	4	24
		813	0	3	82
		809	0	1	39
		810	0	3	42
		811	0	1	44
		423	0	5	8
		323	0	2	68
		333	0	0	40
		422	0	11	48
		417	0	0	90
		418	0	0	61
		413	0	12	62
		405	0	0	46
		401	0	3	98
		402	0	0	38
		403	0	3	31

1	2	3	4	5	6
		400	0	3	90
		395	0	0	1
		399	0	2	77
		376	0	0	17
		378	0	0	84

नाओडा

167

1218	0	0	31
1217	0	2	87
1216	0	2	44
1194	0	3	67
1193	0	2	68
1191	0	1	28
1190	0	5	51
1189	0	3	6

बैलारी

177

4422	0	8	33
3843	0	7	15
4963	0	1	62
4964	0	0	70
3840	0	7	33
3832	0	1	11
3846	0	4	25
3841	0	0	30
3847	0	2	15
3845	0	0	6
3848	0	3	35

1	2	3	4	5	6
		3849	0	7	41
		3871	0	2	30
		3872	0	0	1
		3888	0	3	29
		3889	0	0	22
		3887	0	0	97
		3886	0	1	49
		3885	0	0	28
		3884	0	2	37
		3895	0	2	44
		3883	0	0	77
		3882	0	3	40
		3932	0	3	34
		3931	0	4	46
		3930	0	3	2
		3934	0	0	21
		3929	0	2	54
		3926	0	1	98
		3927	0	2	4
		3928	0	0	58
		3924	0	0	89
		3938	0	6	82
		3967	0	3	76
		3969	0	3	34
		5047	0	2	65
		4287	0	0	1

1	2	3	4	5	6
		3972	0	3	11
		4992	0	3	90
		3810	0	1	55
		3717	0	7	34
		3716	0	0	1
		3719	0	7	90
		3721	0	0	83
		3720	0	5	91
		3726	0	4	39
		3740	0	0	4
		3727	0	10	30
		3728	0	1	11
		3707	0	0	4
		3729	0	1	39
		3706	0	11	28
		4493	0	0	8
		3917	0	2	95
		3714	0	1	45
बेलग्राम	168	8195	0	0	97
		8182	0	0	84
		8189	0	3	13
		8183	0	10	87
		8184	0	0	28
		8185	0	3	82
		8187	0	0	7
		8186	0	6	40
		8177	0	11	0

1	2	3	4	5	6
		8175	0	3	50
		8272	0	3	71
		8090	0	6	54
		8091	0	7	66
		8093	0	0	84
		8099	0	0	70
		8098	0	8	35
		8097	0	1	30
		8100	0	5	36
		7912	0	2	9
		7911	0	0	31
		8101	0	5	43
		7907	0	4	50
		7908	0	0	30
		7906	0	5	29
		7905	0	9	47
		7887	0	0	1
		7888	0	8	15
		7089	0	5	14
		7890	0	0	98
		7892	0	11	23
		7893	0	0	1
		7895	0	1	74
		7846	0	14	41
		3441	0	0	1
		3440	0	7	71
		3439	0	0	3
		3426	0	0	32

1	2	3	4	5	6
		3427	0	2	51
		3428	0	0	98
		3438	0	5	10
		3437	0	0	9
		3429	0	2	72
		3430	0	4	73
		3431	0	1	72
		3433	0	2	55
		3434	0	0	23
		3467	0	6	41
		3468	0	2	9
		3470	0	1	44
		3471	0	3	44
		3475	0	0	34
		3476	0	0	23
		4506	0	3	53
		4507	0	5	75
		3482	0	0	47
		4035	0	0	6
		4034	0	3	65
		3486	0	0	35
		4032	0	4	88
		4033	0	1	67
		4031	0	2	78
		4030	0	2	67
		4009	0	1	62
		4028	0	3	95

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		4027	0	0	92
		4050	0	3	78
		4051	0	2	70
		4023	0	1	70
		4021	0	2	3
		4020	0	4	93
		3952	0	6	27
		3949	0	2	9
		3945	0	3	33
		3943	0	0	24
		3942	0	4	73
		3941	0	3	90
		3916	0	7	24
		3914	0	4	45
		3918	0	2	54
		3919	0	1	29
		3848	0	3	90
		3852	0	5	47
		3850	0	1	74
		3854	0	6	3
		3803	0	4	14
		3804	0	0	31
		3801	0	2	4

1	2	3	4	5	6
		3807	0	3	95
		3808	0	1	4
		3800	0	4	13
		4063	0	3	25
		4083	0	0	40
		4089	0	0	99
		4091	0	1	15
		4780	0	1	3
		4779	0	0	22
		4094	0	0	29
		4093	0	0	83
		4096	0	1	2
		4097	0	9	81
		4782	0	3	50
		4099	0	1	46
		4100	0	3	48
		2355	0	8	49
		2345	0	0	98
		2344	0	5	85
		2342	0	0	35
		2343	0	3	83
		2330	0	3	62
		2337	0	10	2
		2334	0	6	13
		2333	0	2	40
		1792	0	10	72

1	2	3	4	5	6
		1791	0	4	84
		1790	0	0	80
		1780	0	6	40
		1781	0	5	71
		1957	0	3	77
		1560	0	6	13
		1559	0	5	85
		1555	0	3	90
		1554	0	1	46
		1553	0	5	71
		1552	0	4	73
		1549	0	8	52
		1550	0	1	88
		1455	0	5	29
		1456	0	5	85
		1457	0	0	49
		1450	0	10	15
		1460	0	0	35
		1461	0	8	42
		1462	0	6	13
		1463	0	0	1
		1464	0	2	65
		1465	0	1	4
		1466	0	4	87
		1467	0	0	35
		1224	0	1	93
		1221	0	5	48
		1222	0	0	4

1	2	3	4	5	6
		1223	0	6	44
		1205	0	6	84
		1204	0	4	73
		1202	0	5	33
		1209	0	2	9
		1210	0	0	4
		1197	0	2	30
		1196	0	6	26
		1195	0	8	35
		1076	0	7	53
		1074	0	0	2
		1075	0	5	89
		1069	0	0	4
		1073	0	6	2
		1070	0	4	46
		1072	0	0	16
		1071	0	8	31
		1065	0	2	60
		1066	0	2	51
		1061	0	0	37
		1059	0	8	86
		1060	0	2	32
		7908	0	0	55
शिक्षा	161	4	0	3	34
		12	0	8	7
		11	0	0	93
		13	0	5	29
		14	0	6	68
		30	0	6	68

1	2	3	4	5	6
		29	0	4	46
		27	0	0	64
		31	0	3	6
		28	0	7	79
		32	0	0	12
		33	0	15	19
		38	0	1	81
		37	0	0	54
		39	0	9	47
		40	0	3	4
		46	0	11	70
		53	0	4	4
		902	0	5	85
		1173	0	6	22
		1170	0	5	66
		1169	0	4	49
		1174	0	4	13
		1166	0	5	69
		2612	0	1	95
		2611	0	9	5
		1162	0	1	57
		1161	0	0	42
		1231	0	2	61
		1229	0	5	1
		1228	0	9	60
		1222	0	2	83

1	2	3	4	5	6
		1223	0	2	91
		1224	0	4	18
		1554	0	0	6
		1546	0	9	47
		1534	0	5	48
		1538	0	3	13
		1537	0	2	78
		1529	0	7	24
		1528	0	3	43
		1523	0	4	73
		1524	0	1	95
		2585	0	1	30
		1509	0	16	52
		1505	0	9	19
		1500	0	15	87
		1911	0	0	22
		2213	0	15	59
		2212	0	3	76
		2211	0	6	64
		2147	0	0	12
		2149	0	2	78
		2148	0	0	84
		2150	0	3	41
		2152	0	6	98

1	2	3	4	5	6
		2197	0	3	86
		2195	0	2	30
		2193	0	4	13
		2194	0	2	59
		2239	0	2	81
		2240	0	3	2
		2241	0	12	90
		2242	0	0	1
		2249	0	0	1
		2248	0	1	76
		2245	0	2	72
		2246	0	7	59
दरियापुर	162	7684	0	0	55
		7683	0	1	55
		7942	0	2	22
		7681	0	0	83
		7759	0	3	5
		7760	0	10	85
		7761	0	5	56
		7680	0	0	1
		7765	0	1	85
		7764	0	2	27
		7766	0	5	56
		7767	0	2	78
		7768	0	2	8
		7774	0	0	1
गुसकाश	158	580	0	3	83
		581	0	3	62
		582	0	2	32

1	2	3	4	5	6
		579	0	3	34
		589	0	2	51
		588	0	3	90
		585	0	3	62
		3156	0	8	72
		3160	0	0	21
		3161	0	8	43
		3162	0	0	1
		3346	0	4	64
		3347	0	2	64
		3348	0	0	7
		3349	0	1	48
		3352	0	7	41
		3353	0	6	22
		3354	0	4	45
		3367	0	2	51
		3366	0	0	68
		3369	0	0	76
		3371	0	3	15
		3372	0	4	26
		3472	0	3	62
		3471	0	2	19
		3476	0	0	28
		3483	0	3	34
		587	0	0	27
		3345	0	0	58
		3484	0	0	83
		3485	0	2	78
		3482	0	3	48
		3488	0	8	81

1	2	3	4	5	6
		3486	0	5	91
		3514	0	4	45
		3513	0	1	46
		3518	0	8	93
		3517	0	5	56
		3520	0	3	43
		3521	0	0	1
		3529	0	6	49
		3528	0	12	34
		3527	0	0	23
		3562	0	5	56.
		3563	0	1	80
		3602	0	7	14
		3600	0	0	1
		3604	0	2	47
		3606	0	3	75
		3592	0	6	68
		3591	0	3	48
		3593	0	1	85
		3589	0	11	13
		4516	0	3	31
		3582	0	0	1
		3587	0	3	80
		3586	0	3	99
		3481	0	0	97
		3603	0	0	1

[सं. आर-31015/9/96-ओ.आर. -I]

के. सी. कटोच, अवर सचिव

नई दिल्ली, 18 जून 1997

S.O. 1568-whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2986, dated the 26th October, 1996, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for the transport of petroleum from Haldia in the State of West Bengal to Barauni in the State of Bihar.

And whereas, the copies of the said notification were made available to the public on the 23rd December, 1996;

And whereas, the Competent Authority in pursuance of sub-section (1) of the section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by the sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Police Station: Aushgram District: Burdwan State: West Bengal

Village	Jurisdiction List No.	Plot No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Bhada	175	2924	0	3	41
		2923	0	0	1
		2925	0	4	49
		2926	0	0	52
		2928	0	0	17
		3239	0	4	32
		2929	0	0	21
		2938	0	1	95
		2937	0	1	0
		2936	0	1	39
		2935	0	0	96
		2946	0	2	33
		2943	0	0	93
		2945	0	2	35
		2944	0	1	14
		2949	0	0	12
		2942	0	0	2
		2948	0	0	63

1	2	3	4	5	6
		2871	0	0	60
		2869	0	2	19
		2868	0	4	46
		2866	0	2	31
		2865	0	1	87
		2864	0	3	87
		2735	0	3	27
		2857	0	0	35
		2736	0	1	35
		2737	0	1	89
		2738	0	0	89
		2739	0	2	34
		2740	0	1	67
		2741	0	0	56
		2742	0	6	89
		2743	0	0	14
		2747	0	1	57
		2758	0	4	87
		2757	0	1	4
		2759	0	3	0
		2756	0	4	53
		2760	0	0	93
		2639	0	0	8
		2638	0	0	73
		2636	0	3	76

1	2	3	4	5	6
		2637	0	1	10
		2635	0	1	40
		2644	0	0	7
		2597	0	3	90
		2595	0	1	49
		2596	0	2	32
		2769	0	0	35
		2593	0	0	42
		2592	0	1	91
		2599	0	2	25
		2591	0	0	3
		2590	0	1	51
		2603	0	0	1
		3257	0	0	3
		2600	0	3	53
		2571	0	0	4
		2569	0	3	81
		2537	0	0	22
		3237	0	0	93
		2565	0	2	83
		2566	0	0	9
		1016	0	1	95
		1017	0	5	36
		1018	0	0	84
		1015	0	6	36

1	2	3	4	5	6
		1014	0	0	93
		871	0	0	46
		872	0	6	22
		876	0	0	17
		873	0	2	18
		874	0	4	29
		875	0	4	55
		879	0	4	69
		852	0	3	19
		856	0	3	90
		853	0	5	71
		854	0	0	42
		823	0	5	45
		820	0	0	17
		821	0	0	44
		822	0	0	78
		824	0	0	52
		818	0	2	61
		819	0	1	17
		817	0	1	83
		816	0	0	16
		300	0	3	5
		806	0	0	41
		808	0	4	24
		813	0	3	82

1	2	3	4	5	6
		809	0	1	39
		810	0	3	42
		811	0	1	44
		423	0	5	8
		323	0	2	68
		333	0	0	40
		422	0	11	48
		417	0	0	90
		418	0	0	61
		413	0	12	62
		405	0	0	46
		401	0	3	98
		402	0	0	38
		403	0	3	31
		400	0	3	90
		395	0	0	1
		399	0	2	77
		376	0	0	17
		378	0	0	84
Naoda	167	1218	0	0	31
		1217	0	2	87

1	2	3	4	5	6
		1216	0	2	44
		1194	0	3	67
		1193	0	2	68
		1191	0	1	28
		1190	0	5	51
		1189	0	3	6
Belari	177	4422	0	8	53
		3843	0	7	15
		4963	0	1	62
		4964	0	0	70
		3840	0	7	33
		3832	0	1	11
		3846	0	4	25
		3841	0	0	30
		3847	0	2	15
		3845	0	0	6
		3848	0	3	35
		3849	0	7	41
		3871	0	2	30
		3872	0	0	1
		3888	0	3	29

1	2	3	4	5	6
		3889	0	0	22
		3887	0	0	97
		3886	0	1	49
		3885	0	0	28
		3884	0	2	37
		3895	0	2	44
		3883	0	0	77
		3882	0	3	40
		3932	0	3	34
		3931	0	4	46
		3930	0	3	2
		3934	0	0	21
		3929	0	2	54
		3926	0	1	98
		3927	0	2	4
		3928	0	0	58
		3924	0	0	89
		3938	0	6	82
		3967	0	3	76
		3969	0	3	34
		5047	0	2	65
		4287	0	0	1

1	2	3	4	5	6
		3972	0	3	11
		4992	0	3	90
		3810	0	1	55
		3717	0	7	34
		3716	0	0	1
		3719	0	7	90
		3721	0	0	83
		3720	0	5	91
		3726	0	4	39
		3740	0	0	4
		3727	0	10	30
		3728	0	1	11
		3707	0	0	4
		3729	0	1	39
		3706	0	11	28
		4493	0	0	8
		3917	0	2	95
		3714	0	1	45
Belgram	168	8195	0	0	97
		8182	0	0	84
		8189	0	3	13
		8183	0	10	87
		8184	0	0	28
		8185	0	3	82
		8187	0	0	7
		8186	0	6	40
		8177	0	11	0

1	2	3	4	5	6
		8175	0	3	50
		8272	0	3	71
		8090	0	6	54
		8091	0	7	66
		8093	0	0	84
		8099	0	0	70
		8098	0	8	35
		8097	0	1	30
		8100	0	5	36
		7912	0	2	9
		7911	0	0	31
		8101	0	5	43
		7907	0	4	50
		7908	0	0	30
		7906	0	5	29
		7905	0	9	47
		7887	0	0	1
		7888	0	8	15
		7089	0	5	14
		7890	0	0	98
		7892	0	11	23
		7893	0	0	1
		7895	0	1	74
		7846	0	14	41
		3441	0	0	1
		3440	0	7	71
		3439	0	0	3
		3426	0	0	32

1	2	3	4	5	6
		3427	0	2	51
		3428	0	0	98
		3438	0	5	10
		3437	0	0	9
		3429	0	2	72
		3430	0	4	73
		3431	0	1	72
		3433	0	2	55
		3434	0	0	23
		3467	0	6	41
		3468	0	2	9
		3470	0	1	44
		3471	0	3	44
		3475	0	0	34
		3476	0	0	23
		4506	0	3	53
		4507	0	5	75
		3482	0	0	47
		4035	0	0	6
		4034	0	3	65
		3486	0	0	35
		4032	0	4	88
		4033	0	1	67
		4031	0	2	78
		4030	0	2	67
		4009	0	1	62
		4028	0	3	95

1	2	3	4	5	6
		4027	0	0	92
		4050	0	3	78
		4051	0	2	70
		4023	0	1	70
		4021	0	2	3
		4020	0	4	93
		3952	0	6	27
		3949	0	2	9
		3945	0	3	33
		3943	0	0	24
		3942	0	4	73
		3941	0	3	90
		3916	0	7	24
		3914	0	4	45
		3918	0	2	54
		3919	0	1	29
		3848	0	3	90
		3852	0	5	47
		3850	0	1	74
		3854	0	6	3
		3803	0	4	14
		3804	0	0	31
		3801	0	2	4

1	2	3	4	5	6
		3807	0	3	95
		3808	0	1	4
		3800	0	4	13
		4063	0	3	25
		4083	0	0	40
		4089	0	0	99
		4091	0	1	15
		4780	0	1	3
		4779	0	0	22
		4094	0	0	29
		4093	0	0	83
		4096	0	1	2
		4097	0	9	81
		4782	0	3	50
		4099	0	1	46
		4100	0	3	48
		2355	0	8	49
		2345	0	0	98
		2344	0	5	85
		2342	0	0	35
		2343	0	3	83
		2330	0	3	62
		2337	0	10	2
		2334	0	6	13
		2333	0	2	40
		1792	0	10	72

1	2	3	4	5	6
		1791	0	4	84
		1790	0	0	80
		1780	0	6	40
		1781	0	5	71
		1957	0	3	77
		1560	0	6	13
		1559	0	5	85
		1555	0	3	90
		1554	0	1	46
		1553	0	5	71
		1552	0	4	73
		1549	0	8	52
		1550	0	1	88
		1455	0	5	29
		1456	0	5	85
		1457	0	0	49
		1450	0	10	15
		1460	0	0	35
		1461	0	8	42
		1462	0	6	13
		1463	0	0	1
		1484	0	2	65
		1465	0	1	4
		1466	0	4	87
		1467	0	0	35
		1224	0	1	93
		1221	0	5	48
		1222	0	0	4

1	2	3	4	5	6
		1223	0	6	44
		1205	0	6	84
		1204	0	4	73
		1202	0	5	33
		1209	0	2	9
		1210	0	0	4
		1197	0	2	30
		1196	0	6	26
		1195	0	8	35
		1076	0	7	53
		1074	0	0	2
		1075	0	5	89
		1069	0	0	4
		1073	0	6	2
		1070	0	4	46
		1072	0	0	16
		1071	0	8	31
		1065	0	2	60
		1066	0	2	51
		1061	0	0	37
		1059	0	8	86
		1060	0	2	32
		7908	0	0	55
Shibda	161	4	0	3	34
		12	0	8	7
		11	0	0	93
		13	0	5	29
		14	0	6	68
		30	0	6	68

1	2	3	4	5	6
		29	0	4	46
		27	0	0	64
		31	0	3	6
		28	0	7	79
		32	0	0	12
		33	0	15	19
		38	0	1	81
		37	0	0	54
		39	0	9	47
		40	0	3	4
		46	0	11	70
		53	0	4	4
		902	0	5	85
		1173	0	6	22
		1170	0	5	66
		1169	0	4	49
		1174	0	4	13
		1166	0	5	69
		2612	0	1	95
		2611	0	9	5
		1162	0	1	57
		1161	0	0	42
		1231	0	2	61
		1229	0	5	1
		1228	0	9	60
		1222	0	2	83
		1223	0	2	91
		1224	0	4	18
		1554	0	0	6

1	2	3	4	5	6
		1546	0	9	47
		1534	0	5	48
		1538	0	3	13
		1537	0	2	78
		1529	0	7	24
		1528	0	3	43
		1523	0	4	73
		1524	0	1	95
		2585	0	1	30
		1509	0	16	52
		1505	0	9	19
		1500	0	15	87
		1911	0	0	22
		2213	0	15	59
		2212	0	3	76
		2211	0	6	64
		2147	0	0	12
		2149	0	2	78
		2148	0	0	84
		2150	0	3	41
		2152	0	6	98
		2197	0	3	86
		2195	0	2	30
		2193	0	4	13
		2194	0	2	59
		2239	0	2	81

1	2	3	4	5	6
		2240	0	3	2
		2241	0	12	90
		2242	0	0	1
		2249	0	0	1
		2248	0	1	76
		2245	0	2	72
		2246	0	7	59
Dariapur	162	7684	0	0	55
		7683	0	1	55
		7942	0	2	22
		7681	0	0	83
		7759	0	3	5
		7760	0	10	85
		7761	0	5	56
		7680	0	0	1
		7765	0	1	85
		7764	0	2	27
		7766	0	5	56
		7767	0	2	78
		7768	0	2	8
		7774	0	0	1
Gushkara	158	580	0	3	83
		581	0	3	62
		582	0	2	32
		579	0	3	34
		589	0	2	51
		588	0	3	90
		585	0	3	62

1	2	3	4	5	6
		3156	0	8	72
		3160	0	0	21
		3161	0	8	43
		3162	0	0	1
		3346	0	4	64
		3347	0	2	64
		3348	0	0	7
		3349	0	1	48
		3352	0	7	41
		3353	0	6	22
		3354	0	4	45
		3367	0	2	51
		3366	0	0	68
		3369	0	0	76
		3371	0	3	15
		3372	0	4	26
		3472	0	3	62
		3471	0	2	19
		3476	0	0	28
		3483	0	3	34
		587	0	0	27
		3345	0	0	58
		3484	0	0	83
		3485	0	2	78
		3482	0	3	48
		3488	0	8	81
		3486	0	5	91
		3514	0	4	45

1	2	3	4	5	6
		3513	0	1	46
		3518	0	8	93
		3517	0	5	56
		3520	0	3	43
		3521	0	0	1
		3529	0	6	49
		3528	0	12	34
		3527	0	0	23
		3562	0	5	56
		3563	0	1	80
		3602	0	7	14
		3600	0	0	1
		3604	0	2	47
		3606	0	3	75
		3592	0	6	68
		3591	0	3	48
		3593	0	1	85
		3589	0	11	13
		4516	0	3	31
		3582	0	0	1
		3587	0	3	80
		3586	0	3	99
		3481	0	0	97
		3603	0	0	1

[No. R-31015/9/96-OR-I

K C. Katoch, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 21 मई, 1997

का.मा. 1589.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफ.सी.आई. के प्रबंधन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई नं. 1 के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 19-5-97 को प्राप्त हुआ था।

[सं. एन-22012/76/89-आई आर (सी-II)]
बी.एम. डेविड, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 21st May, 1997

S.O. 1589.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Mumbai No. 1 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 19-5-1997.

[No. L-22012/76/89-IR (C-II)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer.
Reference No. CGIT-91 of 1990

PARTIES :

Employers in relation to the management of Food Corporation of India

AND

Their Workmen.

APPEARANCES :

For the Management—Shri B. J. Sawant.

For the Workmen—Shri Ojha, Advocate.

STATE :

Maharashtra

Mumbai, the 28th day of April, 1997

AWARD

1. The appropriate Government vide its letter dated 17th November, 1990 has referred the following dispute for adjudication to this Tribunal.

“(a) Whether the Food Corporation of India or the Canteen Managing Committee is the Employer of Shri S. K. Pujari and 17 other workman employed in the Canteen at Borivili whose particulars are as mentioned in Annexure ‘A’ :

(b) Whether the termination of services of Shri S. K. Pujari and other workmen whose particulars are given in Annexure ‘A’ is justified? If not, to what relief the workmen are entitled to?”

2. The statement of claim was filed on behalf of the workman on 26-7-91. The Food Corporation of India (F.C.I.) filed its reply to the written statement of claim of the workmen on 17-1-92. No rejoinder to this reply was filed on behalf of the workmen. Certain documentary evidence was filed on behalf of the workmen in support of their case. Likewise, the F.C.I. also filed certain documentary evidence.

1427 GI/97—20

3. On behalf of the workmen affidavits of S/Shri N. P. Hare, S. K. Pujari, K. Manohar, Janardhan Ravindran and Kulkarni Vilas were filed in lieu of examination in Chief. However, N. P. Hare, S. K. Pujari and K. Manohar were not produced for cross examination. Thus, the affidavits of these witnesses cannot be read in evidence on behalf of the workmen. Janardhan Ravindran and Kulkarni Vilas were produced for cross examination and the evidence of UW-1 Janardhan Ravindran, UW-2 Vilas Kulkarni alone deserves to be noticed. The F.C.I. filed affidavit of Ashok C. Patel (MW-1) in rebuttal. The testimony of this witness was subjected to cross examination. Thus, there is only one witness on behalf of the management.

4. I have heard the learned counsel Shri Ojha on behalf of the workmen and Shri B. J. Sawant for Management.

Salient disputed facts giving rise to this dispute may be noticed here. The Food Corporation of India (F.C.I.) was established under the F.C.I. Act 1964 for carrying out the various functions prescribed under Section 13 of the said Act. This section reads as follows :

Functions of Corporation :

13. (1) Subject to the provisions of this Act, it shall be the primary duty of the Corporation to undertake the purchase, storage movement, transport, distribution and sale of foodgrains and other food stuffs.

(2) Subject as aforesaid, the Corporation may also, with the previous approval of the Central Government—

(a) promote by such means as it thinks fit the production of food grains and other foodstuffs.

(b) set up, or assist in the setting up of, rice mills, flour mills and other undertakings for the processing of food grains and other food stuff and

(c) discharge such other functions as may be prescribed or as are supplemental, incidental or consequential to any of the functions conferred on it under this Act.

5. The F.C.I. has number of branch offices at various places in the country. It had one such branch office at Borivili (E) duly controlled by the District Manager, F.C.I., Borivili. According to the workmen, about 450 members of the staff and 300—400 labourers worked at the said Borivili branch of the F.C.I. A canteen was constituted for the benefit of the staff and the labourers working at the said Branch on 5-6-1968. The canteen was constituted under the control of the Managing Committee. The case of the workmen is that it was a departmental canteen which was wholly owned and controlled by the Managing Director of the F.C.I. though the day to day supervision of the canteen was delegated to a local committee known as Canteen Committee. The District Manager, Borivili was the Chairman of the said Canteen Committee.

6. The case of the workmen is that the workmen employed in the canteen were really employees of the F.C.I.

7. It was further pleaded that the workmen concerned in this dispute were working with the Canteen Committee for more than 10 years and each one of them had completed 240 days of work in a calendar year as prescribed in the Section 25-B of the Industrial Dispute Act, 1947.

8. It was pleaded that the service condition of the workmen employed in the said canteen were very poor and they were being paid wages less than those prescribed under the minimum wages Act. The employees working at other Departmental Canteen were getting benefit of Employees Provident Fund Act, 1952 while the workmen concerned in the Borivili Canteen were not extended the benefit of the provisions of the said Employees Provident Fund Act, 1952. Therefore, in the year 1983 the petitioners (workmen concerned in this dispute) demanded the same benefits from the Management. Since there was no favourable response from the Management the workmen made representations for redressal of their demand. Management instead of redressing the grievances of the workmen served a notice dated 16-4-84 in form-Punan the workmen and from 15th July, 1984 the management barred entry of the workmen

concerned in this dispute to the canteen premises and thus their services were terminated without any just and lawful cause.

9. Upon such pleadings the workmen prayed for the following reliefs :

"(i) Quash and set aside the notice dated 16th April, 1984 :

(ii) and direct the opponent to give him employment from the date of notice in F.C.I. Department Canteen, Borivili or in other canteen situated at Mistry Bhavan, Zonal Office, or District Office F.C.I. Bombay at the same post with full back wages."

10. The F.C.I. contested the claim of the workman and interalia pleaded that the employees concerned in the above reference were not the employees of the Corporation. The employees were employed by the Canteen Managing Committee and hence staff employed at the Canteen are not employees of the Corporation. It was also pleaded that the reference was not maintainable by virtue of non-existence of 'Canteen Managing Committee' and hence it deserved to be dismissed in Limine. It was also submitted that the reference was not maintainable since the same had been made without jurisdiction.

11. On merit, it was submitted that the Canteen was functioning from the year 1974 onwards. The canteen was continuously incurring losses. Therefore, the Canteen Managing Committee had decided to close the canteen at Borivili w.e.f. 16-4-84. Prior to taking the decision of the closure of the canteen, the canteen Managing Committee sought an approval from the Headquarters as per the rules applicable to the Canteen and notice to the fact was served on 16-4-84 upon the concerned workmen on behalf of the Canteen managing committee, as per the provision of the Industrial Dispute Act, 1947. It was further pleaded that the workmen concerned were paid their legal dues by the 'Canteen Managing Committee' which included notice pay for 3 months together with other terminal benefits as per provisions of the Industrial Disputes Act, 1947.

12. F.C.I. pointed out that the workmen had initially raised industrial dispute before the Assistant Labour Commissioner (Central) wherein the workmen had demanded re-instatement with full back wages. Continuity of service with effect from 16-4-84. It was pointed out by the F.C.I. in its reply before the Asstt. Labour Commissioner that the canteen was run by the canteen managing committee and not by the Corporation and as such the workmen were not employees of F.C.I. It was further pointed out that the Labour Ministry of the Central Government was not an appropriate Government in respect of the workers employed by the canteen managing committee. It has pleaded that on this count the Asstt. Labour Commissioner, (Central) closed the dispute.

13. It was further pleaded that the workmen filed a writ petition against the said decision of the Asstt. Labour Commissioner (C) Bombay in the High Court of Bombay and the said writ petition was dismissed. The workmen then filed an appeal before the Supreme Court wherein following orders was made.

"It is open to the petitioner to approach the Labour Commissioner again for relief. If he does not grant relief the petitioner may be brought to the High Court again. The petition is disposed of."

14. F.C.I. pointed out that it was on the basis of aforesaid observations as Honourable Supreme Court that the workmen filed their statement and justification dated 25-4-88 before the Asstt. Labour Commissioner (Central) Bombay. The Corporation by its reply dated 16-5-88 reiterated its previous stand namely the canteen at Borivili was run by the Canteen Managing Committee and not by the Corporation and hence they were employees of the 'Canteen Committee' and not employees of the F.C.I.

15. Then the F.C.I. referred to a similar demand of the workmen at Secree where the Ministry of Labour Government of India had made it clear that Central Government was not the appropriate Government in respect of the dispute as the workmen or employees of the canteen managing committee and not of the F.C.I.

16. The F.C.I. relied upon the judgment of Bombay High Court in S. V. Carje and F.C.I. reported in 2 CLR 1989 page 18 wherein employees of Canteen in the F.C.I. were held to be employees of the Managing Committee and not of the F.C.I.

17. The F.C.I. pleaded that the employees of the canteen are governed by rules regulating the condition of the services of the canteen employees of the Department Canteen/tiffin room functioning in the F.C.I. It was submitted that by virtue of the said rules the appointment of the staff is made by the Chairman and General Secretary of the Canteen Working Committee and hence employees of the 'Canteen Managing Committee' were not employees of the F.C.I. The F.C.I. traverse the recite of the claim of the workmen and paid that the reference be dismissed with costs.

18. I may state that the employees of the F.C.I. are governed by the F.C.I. (Staff) regulations 1971 promulgated in exercise of the power conferred by Section 45 of the F.C. Act, 1964 (37 of 1964). The regulation 3 of the aforesaid regulation classifies its officials in the Corporation in categories I, II, III, IV. Regulation 4 deals with the unit for the purposes of the appointment, seniority, promotion, reversion and retrenchment of the employees of the F.C.I. Regulation 5 lays down general condition relating to appointments and Regulation 6 deals with the appointing authority. Regulation 7 deals with the mode of appointment and interalia lays down that regular appointments in the services of the Corporation can only be to the posts as specified in column (2) of the table set out in Appendix 1. Appendix 1 deals with a number of categories of posts in the Corporation, their scales of pay, mode of recruitment, age limit, qualifications and experience etc. Part I of the Appendix deals with special posts in higher categories. Part II of the appendix deals with the General administration cadre of F.C.I. Part III deals with godown cadre of F.C.I. Part IV of the appendix deals with technical cadre. Part V deals with movement cadre. Part VI deal with planning and research cadre while part VII of the Appendix deals with Account cadre (Part VII-A) deals with Data Processing Cadre. Part VII deals with legal cadre. Part IX deals with Engineering Cadre. Part X deals with Miscellaneous cadre of F.C.I. I have carefully gone through the Appendix and I find that posts or offices in the canteen are not to be found in any of the cadres mentioned in the Appendix to the Regulations. This fact militates against the contention that the employees engaged in the departmental canteen belong to the cadre of the employees of the F.C.I. It may be stated that the Staff Regulation of F.C.I. mentioned above are statutory Regulations and if it was intended to include persons serving in connection with canteens in the cadre of employees of F.C.I. then such posts would have been included and enumerated in the Appendix I of the Regulations in an appropriate part. The silence of the Appendix with regard to employees in the Canteens goes to show that they were not to be a part of the posts under the F.C.I. Learned counsel for the Workmen strongly relied upon document marked Ex. A in the list of Documents of the workmen. It is a letter issued by the F.C.I. on 3rd October 1968 and is addressed to Shri J. P. Gupta, Secretary, F.C.I. Canteen, Eka Bhawan No. 1, Bahadur Shah Zafar Marg, New Delhi. This deals with the constitution of the F.C.I. Departmental canteen. A perusal of the letter goes to show that it pertains to Canteen at Eka Bhawan and not to the other canteens established at other places. This letter may profitably be quoted in extenso to show that it does not pertain to other canteens situated elsewhere.

ANNEXURE-III

THE FOOD CORPORATION OF INDIA

(Established under an Act of Parliament)

No. 1, BAHADURSHAH ZAFAR MARG : NEW DELHI-1
No. 5-1/68-IR

Dated : the 3rd October, 68

To

Shri J. P. Gupta,
Secretary,
Food Corporation of India, Canteen,
Eka Bhawan,

No. 1, Bahadur Shah Zafar Marg,
NEW DELHI.

Sir,

Sub. : CONSTITUTION OF THE FOOD CORPORATION OF INDIA—DEPARTMENTAL CANTEEN

The draft Constitution of Food Corporation of India Departmental Canteen as approved by the Managing Committee at its fifth meeting held on 5-6-1968 has been carefully examined and the approval of the Corporation to the above said Constitution with certain modifications (copy enclosed) is hereby conveyed subject to following observations.

- (i) The proposed bye-laws to be framed under the constitution to run various aspects of its business, to lay down powers, functions and duties of various office bearers etc., should be completed and deposited with the corporation within a period of three months from the date of approval is conveyed to the Constitution.
- (ii) A report on the canteen, if its trading result shows a deficit should invariably be submitted to Secretary, Food Corporation of India who is entrusted with the full and final responsibility so far as canteen in the Head Office is concerned.

Yours faithfully,
Sd/-

K. RAMIAH, for Joint Manager (Personnel)

Copy with a copy of Constitution forwarded to :

The Zonal Manager/(Not readable)

The learned counsel for the workmen then relied upon Constitution of the F.C.I. department canteen, New Delhi. Clause 1 of this constitution makes it clear that it is applicable only to the canteen at the Head Office of the F.C.I. situated at Eka Bhavan and not to other canteen committees. This clause reads as follows :

"The Canteen will be known as Food Corporation of India Canteen and located in the Head Office of the Food Corporation of India, which is, at present, at Eka Bhavan, No. 1, Bahadur Shah Zafar Marg, New Delhi-1."

18. Learned Counsel for the workmen then relied upon Rules governing pay and allowances (Staff Employee Canteen/tiffin room) Annexure II Clause 3 of these rules goes to show that for the purpose of working out the cost of subsidy to be granted by the Corporation to the Canteens/tiffin rooms, it lays down the mode of working out the amount of subsidy to be paid by the Corporation.

If the employees of the Canteens/tiffin rooms were to be considered employees of the Corporation, then there would have been no occasion to provide subsidy to the Canteen Committees running the canteens. Clause 5 of the rules deals with additional dearness relief and clause 5(b) reads as follows :

"(b) This dearness relief has no relationship with the DA granted to Corporation employees and will not be subject to revision merely because of any further revision in the DA rates of the Corporation employees" (emphasis supplied) Reading of the clause 6 of these rules reads as under :

"The expenditure of contributions made to the Provident fund of the canteen and tiffin room employees should be borne by the canteen/tiffin rooms themselves from out of their own earnings" (emphasis supplied).

This makes it very clear that Canteen and tiffin rooms were to have their independent funds out of their earnings and were at best eligible for subsidy from the F.C.I.

The workmen have also placed on record Model Rules that governs service conditions of Canteen employee of departmental canteens (Tiffin rooms functioning in F.C.I.). The last page of the rules show that they have been issued by Hon'y. Secretary for Managing Committee. As such, they cannot be used for establishing that the employees in the Canteens were employees of the F.C.I. Now coming to the

oral evidence of UW-I Janardhan Ravindran, I find that he has categorically admitted that the canteen used to be subsidised by the F.C.I. and Chairman of the Canteen Management Committee used to be Manager of the F.C.I. He has admitted that the Management Committee of the canteen was not a registered body and that members of the staff who volunteered to look after the canteen became members of the Canteen Committee. He stated that there was an order in writing by the F.C.I. for establishing the Managing Committee of the canteen but that order has not been placed on record.

19. The witness categorically admitted that the salaries of the staff of the canteen were paid by the Management Committee of the canteen. He also admitted that granting Non-grant of leave or disciplinary control was exercised by the Managing Committee of the Canteen. He admitted that he did not know if there were any Service Rules for the staff of the canteen.

20. The cross-examination of this witness shows that F.C.I. was granting facility of Electricity, Water to the canteen free of cost. The Canteen had been provided with a hall, Kitchen, Store and Cabin for the Cashier free of cost. He admitted that he had no idea of the amount of subsidy granted by the F.C.I. to the canteen. He further made the following important admission.

"Initially, the members of the staff collected subscription, for running the canteen and there after canteen was run from its own income."

He also admitted that the staff Welfare body had approached the F.C.I. for grant of aforesaid facilities upon which the F.C.I. had extended the said facilities for the welfare of the staff. He further admitted that the removal, dismissal of the staff of canteen was done by the Canteen Committee with the approval of the Manager who used to be the Chairman of the Managing Committee. The witness was evasive when he was asked about the service condition of the canteen staff and service condition of the F.C.I. and said :

"I do not know if service condition of canteen staff were different from service condition of staff of F.C.I." This witness however admitted "This is correct that appointment letters of the staff of the canteen were issued by the Canteen Committee and not from the F.C.I."

The aforesaid statement made by Ravindran goes to show that the employees of the canteen were not at all employees of F.C.I. and F.C.I. was merely extending certain facilities and certain subsidies to the Management committee of the canteen as a welfare measure.

21. To the same effect is the evidence of UW-2 Vilas Kul-karni. He admitted

"This is correct that the canteen was not a department of F.C.I. But canteen was run by Canteen Committee."

He further admitted :

"The Canteen actually belong to the staff of F.C.I. and that F.C.I. was giving only subsidy to the canteen committee to run it. He admitted that it was for the welfare of the staff that the F.C.I. had given facility of hall, electricity, water etc."

The witness agreed that the pay scales of the staff of canteen differ greatly from the pay scales of the staff of F.C.I. and the canteen committee decided upon the pay scales of the canteen staff. He also admitted that grant of leave, refusal of leave, disciplinary action against canteen staff were within the jurisdiction of the canteen committee and the appointment of the canteen staff was within the jurisdiction of the canteen committee.

22. The aforesaid evidence of the workmen demolishes their claim that they were employees of the F.C.I. in any manner.

23. There is neither pleading nor evidence that the canteen in question was a statutory canteen of the F.C.I. or that the F.C.I. was under any legal obligation to run the canteen. There is neither pleading nor evidence to show that the running of the canteen had become a condition or service of the employees of the F.C.I. Learned counsel for the workmen relied upon 1996 11 Maharashtra Law Reporter 1967 Pratap Mardokar v/s Goa Shipyard & Others in support of the contention that the employees of the canteen committee are employees of the Goa Shipping Company. It may be observed that it was a case where canteen had been run in discharge of statutory obligations of the owners of the factory and provisions of section 46 of the Factories Act, 1948 were attracted. In my opinion this judgment does not help workmen in any way because as stated earlier there is neither plea nor proof that the canteen at Borivili was being run under the provision of the Factories Act, 1948.

24. Learned counsel for the workmen relied upon 1995(2) Maharashtra Law Reporter 512 P. C. Kaha v/s L.I.C. of India. In this case canteen services had been provided to the employees of the L.I.C. and it was the Corporation which had been supervising and controlling the work of the canteens. The L.I.C., was controlling during which counter and floor services was to be made available to the employees by the canteen. The employees of the canteen had all along looked upon the Corporation as a real employer. In the peculiar circumstances of the particular case, the Apex Court held that the canteen had been a part of the establishment of the L.I.C. In that case, the apex court also found that provision for canteens had become a condition of service of the LIC employees. It was on this and the other premises that employees of the canteens of LIC were treated as employees of L.I.C. In the present case no such circumstances have been shown to exist where by the workmen could be treated as employees of the F.C.I. I, therefore, find that this judgement is of no avail to the workmen.

25. Learned counsel for the workmen further relied upon the decision of the Supreme Court in M.M.R. Khan v/s Union of India, 1990 Supp SCC 191 and submitted that the present case falls within the ratio laid down by the Supreme Court. I find that this contention is devoid of all merit. In M.M.R. Khan's case, the management was under a legal obligation to run the canteen. In the present case, as stated earlier, it has not been shown that there was any legal obligation upon the F.C.I. to run the canteen. I may here refer to the latest case of the Supreme Court reported in 1996. Supreme Court cases (L&S) 691: Employers in relation to the Management of R.B.I. In that case, the previous cases decided by the apex court were considered. In that case the R.B.I. was providing canteen facilities to its employees. There was no obligation either under the statute or otherwise, for the Bank to run the canteen. However, the R.B.I. was providing canteen facility as a welfare measure. The Bank was bearing subsidy to the extent of 95 per cent of the cost, in regard to the payment of salary, provident fund contribution, gratuity, Uniform etc. and also provided premises, fixtures, utensils, furniture, electricity, water etc. free of charge. The canteens were run either by a canteen committee or a Co-operative Society or a Contractor. The Bank had large number of employees at the various complexes. The employees of the Canteens claimed that they were employees of R.B.I. The federation espousing the cause of the workman took a plea that the Bank was under a statutory obligation to provide canteen facility to its employees and this was being done through agencies of Canteen committee, Co-operative Societies and Contractors. It was pleaded that the Bank could not shift its responsibility to others; that the entire economic control was with the Bank and so the workmen employed in by the canteens, whether through Canteen committees or by Co-operative Societies or by Contractors should be directed to be absorbed in the services of the Bank with retrospective effect with point to point adjustment and the Bank be directed to pay arrears of difference of wages.

The Bank disputed the claim made by the Federation on behalf of the workmen. It was contended that the Bank makes available space for running the canteens on leave and licence basis and various facilities are also provided to the Canteen Committees, Co-operative Societies or Contractors, whosoever run the canteen. The canteens are in the nature of clubs. The management is not responsible for employment of persons in canteens. Persons serving in the can-

teens are employed by the Canteen Committee, Co-operative Societies or Contractors as the case may be. The Bank does not supervise or control the working of the canteen or supply edibles to the employees. The employees were not under any obligation to purchase edibles from the canteens. There was no relationship of master or servant between the bank and the persons employed in the aforesaid canteens. Bank does not carry an industry of supply of food etc. Canteens were established only as a welfare measure.

The tribunal adjudicating the dispute arrived at the conclusion that the persons employed with the various canteens were employed of the R.B.I. and they were employees of the R.B.I. and they were entitled to appropriate relief in their benefit. This award was challenged before the apex court. The apex court emphasised that the R.B.I. was under no statutory or other legal obligation to provide facilities to its employees. It also emphasised that the recruitment of the staff of the Bank was done in pursuance of the guidelines governing the process of selection which prescribed appropriate qualifications etc. The employees of the canteen were not subjected to the rigor and discipline of the relevant rules and methods of selections.

The apex court referred to the tests to be employed to determine as to whether a person is a workman and the relationship of master and servant exists in a particular case. It referred to the oft quoted case of Dharangdhra Chemical Works v/s. State of Saurashtra, (1957) 1 LLJ 477. It also referred to Chintaman Rao v/s. State of Madhya Pradesh (1958) 2 LLJ 252 as also to Puri Urban Co-operative Bank v/s. Madhu Sujansaru, (1992) 2 SCR 977.

After referring to these cases, the apex court stated the legal position as follows :—

"In applying the law laid down by this Court, as stated above, we should distinguish those line of case, where a statutory liability is cast on the employer for maintaining the canteen viz. as per Section 46 of the Factories Act or due to the extended meaning given to the definition of the word "employer" in the particular statute, any other person like a contractor to whom an owner of the undertaking had entrusted the execution of any work which was ordinarily part of an undertaking or industry was also covered. See in this connection Saraspur Mills Co. Ltd. v. Ramanlal Chimanlal and Bansi Sugar Mills Ltd. v. Ram Ujagar. We should at once state that the principles laid down in those line of cases cannot apply herein, since admittedly (a) no statutory liability is cast on the Bank to run a canteen and Section 46 of the Factories Act is in applicable herein and (b) the Industrial Disputes Act does not contain an extended definition of the word "employer". It further observed :—

"We shall now advert to the decision of this Court in M.M.R. Khan case to understand its scope and effect. In the said case, the Court was dealing with the workers in canteens run in the different railway establishments. The workers claimed that they should be treated as "railway employees" and should be extended all service conditions which are available to the railway employees. The Court classified the canteens into three categories : (1) Statutory Canteens which are required to be provided compulsorily in view of Section 46 of the Factories Act, 1948 ; (2) Non-statutory Recognised Canteens—such canteens are established with the prior approval and recognition of the Railway Board as per the procedure detailed in the Railway Establishment Manual ; and (3) Non-statutory Non-recognised canteens—these are canteens established without the prior approval or recognition of the Railway Board."

Category 1 : Statutory Canteens : This Court in Civil Appeal No. 368 of 1978 dated 22-10-1980 had held that the employees in the statutory canteens were railway employees for the purpose of the Factories Act. In the said decision, this Court declined to interfere with the rejection of the demand of the workers for pay and allowances to them as if they were railway employees. As a result of subsequent orders passed by the Government, Railway Board and the

decision of this Court and instructions of the Department, it became evident that the Government has complete control over the canteens and the workers employed therein became holders of civil posts within the meaning of Article 311 of the Constitution. Their recruitment and service conditions are governed by the rules applicable to the employees of the government department/office/establishment to which the canteens are attached. In this background, the Court adverted in detail to the various government orders and circulars of the Railway Board vis-à-vis Section 45 of the Factories Act and held that the employees in the "statutory canteens" of the railways will have to be treated as "railway servants". It was further observed that the employees in the statutory canteens are entitled to the status of railway employees and they are entitled to succeed in their claim purely on facts peculiar to them discussed in the judgment.

Dealing with the second category—"Non Statutory Recognised Canteens", the Court adverted to paras 2831 to 2854 of the Railway Establishment Manual and held that the aforesaid provisions enjoin the Railway Administration to take steps to develop their canteen organisation to the maximum possible extent as a measure of staff welfare preferably by encouraging the development of canteens for staff on co-operative basis. This mandate was stated to be in addition to the canteens required to be established by the Factories Act. On a review of the various provisions of the Railway Establishment Manual (the details whereof were adverted to in paras 31 to 35 of the judgment) and proceedings of courts, it was held in para 36 of the judgment that there is hardly any difference between the statutory canteens and non-statutory recognised canteens. Detailed provisions of the Railway Establishment Manual were highlighted to show that the obligations of the Board under the Manual are substantially similar to those enjoined under the Factories Act and no distinction can be made between the employees of the two types of canteens—statutory canteens and non-statutory recognised canteens—so far as their service conditions are concerned. So, it was further held that the employees in the non-statutory recognised canteens should be treated on a par with those employees in the statutory canteens and they should be treated for all purposes as railway servants.

Dealing with the category of persons employed in the "non-statutory non-recognised canteens" in para 38 of the judgment, this Court highlighted the fact that they were not started with the prior approval of the Board as required under para 2831 of the Railway Establishment Manual. They are not required to be managed either as per the provisions of the Railway Establishment Manual or the administrative instructions. There is no obligation on the railway administration to provide them with any facility nor are they given any subsidy or loan. The canteens are run by private contractors and there is no continuity either of the contractors or the workers engaged by them. There is further no obligation cast even on the local officers to supervise the working of these canteens, there existed no rules for recruitment of the workers and their service conditions, and the canteens are run on ad-hoc basis; and in these circumstances it was held that the workers engaged in these concerns are not entitled to claim the status of railway servants.

26. The subject matter of the present dispute came for direct consideration by the High Court of Judicature of Bombay in *Sukhdeo Vishnu Garje V/s. F.C.I. and others*. The said case is on all fours with the present case. Therein the writ petitioner S. V. Garje was employed in the canteen of the F.C.I. department in Sea Shed Civil, as Coupon Clerk. The writ petitioner was placed under suspension for taking part in a strike held on 28th October, 1985. The petitioner challenged order of suspension during the pendency of the writ petition. The Departmental enquiry proceeded against the workmen and the Honorary Secretary of the Departmental Canteen Committee stopped his increment w.e.f. 1-1-1986. Later on the workman was demoted from the post of Coupon Clerk to the post of Bearer. The workmen contended that he was a employee of F.C.I. as against this the F.C.I. took the stand that the workman was a employee of the canteen managing Committee. After going into the material placed before the Hon'ble High Court held that the employees of the canteen had at no point of time were exhibited as employees of the F.C.I. Upon this view of the matter Hon'ble High Court dismissed the writ petition filed by the workman.

27. In my opinion the employees of the Canteen Committee did not fall in any of the categories of the employees of the F.C.I. as governed by staff regulations, 1971. They are not appointed by the Appointing authority under the F.C.I. Their services are not terminated by the competent authorities under the staff regulation 1971. Their salaries are not paid by the F.C.I. Their leave is not granted by the competent authorities under the staff regulation 1971. They are employees of the Managing Committee of the canteen which is the competent authority to appoint them, grant them leave grant them salary and take disciplinary action against them. The F.C.I. only subsidised the wage bill of the canteen committee and welfare measure, it has, of course extended certain facilities like hall, kitchen room, cabin etc. But F.C.I. does not in any way control the functioning of the employees of the canteen committees. I am of the definite view that workmen have failed to substantiate their contention that they are employees of the F.C.I. in any manner.

28. There is no evidence on the record to show that the employees of the F.C.I., for benefit of whom catering was made by the canteen, were under any obligation to purchase their edible food stuffs, tea, coffee and other beverages from the canteen. There is nothing to show that the management of the F.C.I. exercised any supervision or control over the affairs of the canteen. In the aforesaid circumstances the Union has failed to establish that Shri S. K. Pujari and 17 other workmen employed in the Canteen Borivali, whose particulars are mentioned in Annexure-A to the schedule were in any way employees of the F.C.I. On the contrary, it is very well established from the record that they were employees of the Canteen Committee, which committee exercised pervasive, supervisory and disciplinary control over the said workmen. The said workmen were not governed by the Staff regulations pertaining to appointment, disciplinary control, removal, termination etc. applicable to the employees of the F.C.I. Thus, the workmen have miserably failed to establish that they were employees of F.C.I. The point is, accordingly, decided against them.

29. Shri Ojha learned counsel for the workmen vehemently submitted that the closure of the canteen by the Canteen Committee was a sham and colourable exercise of power and on this ground the termination of the services of Shri S. K. Pujari and 17 other workmen employed in the Canteen Committee, Borivali whose particulars are mentioned in Annexure-A to the reference, was wholly bad and void. I may state that the canteen committee, which is now admittedly defunct is not a party to these proceedings. The action of closure of the canteen committee was taken by the Canteen Committee. To my mind, no finding can be recorded against the Managing Committee of the Canteen, though defunct, unless the members constituting the said committee are arrayed as parties to these proceedings. The Management of the F.C.I. has placed on record documents pertaining to the closure of the canteen. It is true that the resolution or the order of the Canteen Committee by which decision was taken to close the canteen has not been placed on record. However, Ex-M-14 dated 16-4-1984 goes to show that decision was taken to close the canteen. The background in which the canteen was closed has been clearly stated in Ex-M-8 dated 16/19-5-1984 by Shri B. M. Tejpal, Senior Divisional Manager (Maha) addressed to Shri Bhanot Manager (P & IR) F.C.I., 16-20, Barakhamba Lane, New Delhi.

"It has already been intimated to you in telex of even No. dated 30-4-1983 that due to uneconomical working, the Management Committee of the Borivali Staff Departmental Canteen has been advised to close the canteen and accordingly notices were served on the staff giving three months for termination of their services. The Canteen Managing Committee has no amounts at its disposal for making the payment of 30 per cent of the wages for the months of March 1984 and April 1984 upto 16-4-1984 and also the 30 per cent of D. A. arrears for the period 1-3-1983 to 31-12-1983. As the Departmental Canteen has been closed and the workers have been served with termination notices of three months and as the Canteen Managing Committee has no amount with it to foot the 30 per cent required amount for paying the salary and D. A. arrears for the period mentioned above, it had become utterly necessary to release an advance of Rs. 10,000/- to the defunct Canteen Management Committee for settling the said dues to the workers. For the release of this advance of Rs. 10,000/- from Corporation's fund, for which there is no future avenue for making recovery from the said canteen

committee in view of its close down, you are requested to convey your post fact approval. Further, the 19 workers are also to be paid notice period salary for three months commencing from 16-4-84 and Workmen's compensation as per provisions of Industrial Disputes Act. If the notice period salary and also the Workmen's Compensation to each worker as per the Industrial Disputes Act is not paid then, there is a possibility that the Departmental Workers belonging to the Transport and Dock Workers Union may go on indefinite strike thereby seriously hampering the godown operations in view of the fact, the canteen workers are also members of the same Union.

As the Canteen has already been closed there is no necessity for upgradation of the canteen and staggering of working hours as contemplated in your telegram mentioned above.

The canteen has created in addition an outstanding liability of Rs. 76,000 approx. to clear the outstanding bills towards purchase of provisions milk etc. for the canteen. Hence with a view not to give rise to any serious development of disturb the normal working situation in the godowns, it is absolutely necessary from your side to convey financial approval for releasing 100 per cent of the wages payable to the canteen workers from 1-3-1984 onwards till the expiry of the three months notice period and also for payment of the Workmen's Compensation as per provisions of the Industrial Disputes Act and the total liability of Rs. 76,000 approx. in final settlement of the cost of consumable items purchased from Private parties/Provision stores etc.

It is mostly noticed that as the nomination for management of Departmental Canteens is on honorary basis no one generally volunteers to run the canteen and those who are forced to do the job do not pay much attention to the financial position of the canteens. Thus problems arise every time from one Departmental Canteen or another about the difficult financial condition and the need for advancing amounts to settle payment of salary of the workers and also to wipe out the liabilities much beyond the permissible amount of subsidy.

It is therefore, considered healthy in my opinion, that you may give a new approach to this aspect by permitting the Borivli Management Committee to advertise for running the canteen by a Private Contractor on the condition of taking over liabilities of the canteen to be discharged over a fixed period. Till then funds may be allowed to be advanced from FCI to pay of the debts to the employees and other Government Agencies which supplied milk, groceries etc. to the defunct canteen.

30. Exhibit M-9 dated 16-6-84 also clarified the position that the canteen had been closed.

31. Learned counsel Shri Ojha submitted that the canteen could not have been closed without the prior permission of the Corporation. He further submits that due to large number of workmen employed at Borivli, it had become necessary to run the canteen and in fact running of the canteen had been entrusted to a Contractor. To my kind these two facts do not militate against the stark reality that the Canteen Committee had in fact closed the canteen and had terminated the service of the employees of the canteen in view of the accomplished fact of the closure of the canteen. It cannot be said that the closure of the canteen was unjustified or improper. Moreover, the dispute regarding legality and propriety of the closure has not been referred to the Tribunal at all. It was a foundational fact and not merely an incidental fact and unless the factum of closure was challenged and the Managing Committee was arrayed as a party no final adjudication could be made in this behalf viz. holding that the closure was a sham affair.

32. Moreover, I may state that the factum of the closure and the reasons for closure have been admitted by the workmen in affidavits of Shri Janardhan Ravindran and Shri Kulkarni Vilas in para 8 which reads as follows :

"I say that the closure of the canteen and removal of these employees by FCI management was not due to non-use or non-necessity of the Canteen, but due to heavy loss in the Canteen, occurred due to negligence of the canteen committee appointed

by the FCI to look into the affairs of the Canteen". (emphasis mine)

This statement is identical in the affidavits of both the witnesses. This also goes to show that the factum of closure of the canteen was a fait accompli and had to be resorted to due to heavy losses in the canteen, the canteen having ceased to be a viable unit. Hence, this contention is also of no avail to the workmen.

33. The next contention of Mr. Ojha was that when the Canteen Committee closed the canteen at Borivli, the employees of the canteen at Borivli could have been accommodated or absorbed in the other canteens of the FCI in Bombay either run by the appropriate Canteen Committees or by the concerned Contractors. In my opinion this argument deserves to be noticed for the sake of rejection only. Each Canteen Committee was an individual and separate entity in itself and the Canteen Committee of Borivli complex could not have directed other Canteen Committees or Contractors running the concerned canteens to absorb the workmen concerned in the present dispute. Moreover, there is neither pleading nor proof to show that there existed any vacancies in the other canteens catering to the welfare of the F.C.I. employees. Hence, also this argument does not merit any consideration.

34. On behalf of the management a contention was raised that the Government of India was not the appropriate Government to refer the dispute to this Tribunal. The dispute which has been referred is whether the FCI or the canteen committee is the employer of Shri S. K. Pujari and 17 other workmen employed in the canteen at Borivli whose particulars are mentioned in Annexure-A. Reference was made in this regard to earlier correspondence made in this regard. Suffice it to say, that once the dispute referred to this Tribunal is whether the employees concerned in the dispute were employees of the FCI, the dispute was referable only by Government of India, which was the appropriate Government for the purpose. Therefore, this objection has no force and deserves to be rejected.

35. It is an admitted position that the workmen concerned in this dispute have been paid their terminal dues as a consequence of the termination of their services by the Canteen Committee, as would be evident from Ex. M-13 which shows disbursement of a sum of Rs. 17,614.05 to six employees of the employees of the Canteen. Ex. M-11 goes to show that notices were issued to all the workmen on 13-7-84 to collect their dues.

36. This position has not been contested on behalf of the workmen. Therefore, it is difficult to see how the termination of the services of the workmen was bad.

In view of my findings above, I find that the claim of the workmen is devoid of merit and deserves to be rejected. Award is made accordingly and he notified as per law.

R. S. VERMA, Presiding Officer

नई दिल्ली, 21 मई, 1997

का.अ. 1579-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ सी आई के प्रबंधन के सदस्य नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार श्रम मंत्रालय, प्रणालीगत के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-5-97 को प्राप्त हुआ था।

[सं.एल-22012/155/एफ/92-आई आर (सी-11)]

बी एम. डेविड, ईस्क अधिकारी

New Delhi, the 21st May, 1997

S.O. 1590.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 19-5-1997.

[No. L-22012/155/F/92-IR (C-II)]
B. M. DAVID, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(Labour Court, Ernakulam)

(Wednesday, the 19th day of February, 1997)

PRESENT :

Shri Varghese T. Abraham, B.A., LL.M., Presiding Officer.

Industrial Dispute No. 17 of 1992 (C)

BETWEEN

- (1) The Proprietor, M/s. Premier Cargo Services, Wellington Island, Cochin-3 (2) The District Manager, (Storage) Food Corporation of India Ltd., Wellington Island, Cochin-3. (3) The Manager, M/s. South India Structural Corporation Ltd., Wellington Island, Cochin-3.

AND

The General Secretary, Progressive Port and Dock Workers Union, Calvathy, Cochin-1 (This is added as per order No. L-22012/155/F/92-IR (C-II) dated 12/13 October, 1992 of the Government of India, Ministry of Labour, New Delhi).

REPRESENTATIONS :

- M/s. B. N. Shivshankar and P. T. Jose, Advocates, K. S. N. Menon Road, Kochi-16—for Management No. 1.
Sri P. M. M. Najeer Khan, Advocate, SRM, Road, Kochi-18—for Management No. 2.
M/s. Menon and Monon, Advocates, Kochi-16—for Management No. 3.
Sri A. X. Varghese, Advocate, Niyamavedi, Kochi-1—for Union.

AWARD

The Government of India as per order No. L-22012/155/F/92-IR (C-II) dated 4-9-92 referred the following industrial dispute for adjudication :

"Whether the action of the management of M/s. Premier Cargo Services, Handling and Transport Contractors of M/s. Food Corporation of India in their Godown at Wellington Island, Cochin in denying employment to Shri P. K. Unni, engaged in cleaning and allied works w.e.f. 31-12-1987 is legal and justified? If not, to what relief Shri P. K. Unni is entitled to?"

2. The case of the workman is summarised as follows :—

He was working under the Food Corporation of India from January 1974 to December 1987. He was engaged in the work of Sweening and Spraying in the Godown. He was given daily wages. The last rate of wage was Rs. 25. He was paid bonus and given ESI benefits. He used to work under

Premier Cargo Service during 1981-82. From 1983 onwards he was working under the third management. He was given wage slips. He used to work under the different shifts of the Food Corporation of India. When there was change of managements, there was no change in his work. On December 30, 1987 he was told by Food Corporation of India but he did not turn up for work as he is physically unfit. Conciliation was held. He prays for reinstatement.

3. There are three managements in this case. The first management is the Premier Cargo Service. It is contended as follows :

There is no employer employee relationship between the parties. There was no denial of work by this management. It was a contractor of FCI for two years from 31-12-87. At that time the opposite party got the work as per settlement between the union and the management.

4 The second management is the FCI. It is contended as follows :—

The work of handling and transporting of Foodgrains from the Godown of the FCI are engaged through contractors by floating tenders. During the period of the contract, the contractor is supplying the labourers for carrying out works and they were paid by the contractors and not by the FCI. If there is any dispute between the labourers and the Handling and Transport contractors, the matter has to be settled by them. There is no direct engagement by the Food Corporation of any workers in this category. There is no employer employee relationship between the parties. The claimant was only a worker under the then contractor. The FCI was having the role of principal employer only. The work is being done by different contractors. It was for specific durations. The contractors in this case have engaged labourers. They are governed by the Contract Labour (P&A) Act, 1970. There is no denial of work by FCI. There is no violation of provisions of the I. D. Act. The Godown of the Food Corporation is not industrial establishments.

5. The third management is South India Structural Corporation Ltd., Wellington Island and it is contended as follows :—

No claim statement is filed by the union. From this it is clear that union is not interested in pursuing the above case. The present workman was engaged in cleaning and other allied works with effect from 31-12-87. The issue referred is confined to the action of M/s. Premier Cargo Service, and not the legalities of any action taken by this management. The reference is incompetent. It is true that the union has filed O.P. No. 4542/89 before the Hon'ble High Court of Kerala for issuance of a writ of certiorari to quash the communication of the Regional Labour Commissioner, Ernakulam and to quash the settlement entered into between the union and the first management. This management undertook the contract of handling and transporting of Food articles of the FCI from 31-12-85 to 31-12-87. The present workman was denied employment by the first management. So this management is not liable for any relief to the workman. There is no employer employee relationship between the parties. No relief is allowable.

6 Evidence in this case consists of the testimony of WW-1 and Exts. Ws-1 to 8.

7. The points which emerge for consideration are :

- (i) Whether there was any denial of employment to the workman by M/s. Premier Cargo Service of the FCI in the Godown at Wellington Island, Cochin?
- (ii) Is the present workman, a workman as defined in Section 2(s) of the I. D. Act?
- (iii) Whether the workman is entitled to get any relief under industrial law?

8. Points, 1 and 2—A close look at the testimony of WW-1 will show that he worked under the first management for two years. It is also admitted by him that there was a contract between the Premier Cargo Service (first management) and the FCI and that the said contract has been expired. Therefore it can be seen from the evidence of WW-1 himself that the contract between the first management and the FCI has come to an end and so the present workman is not entitled to get any relief from the first management, Premier Cargo Service. It is admitted by WW-1 that he was appointed by South India Corporation under the FCI. The case of the workman is that it is the FCI which is the employer and so the FCI is liable to provide him with employment. From the available evidence and admission of WW-1 it can be seen that contracts are given by the FCI to different contractors for the handling of Foodgrains from the Godown of the FCI and the workers are employed by the above contractors. It is the admitted case of WW-1 that the contract given to the present contractors had come to an end. Therefore he cannot claim any benefit under the I. D. Act. Apart from this, it has been decided by "Punjab and Haryana High Court reported in 1996 (2) LLJ page 837 (P&H)" that the workman employed by a contractor will not come within the definition of workman as defined in the I. D. Act. A mere production Ext. W-2 permit issued by the contract and W-3 receipts issued for night duty and Ext. W-7 medical certificate etc. will not improve the case of the workman. The direction contained in Ext. W-8 to hold conciliation by the ALC is also not sufficient to bring the present workman within the definition of workman as contained in Section 2(s) of the I. D. Act. A mere production of Ext. W-1 ESI card will not also develop the case of the workman. As matters stand now, what is evident is that the workman was appointed not by the FCI but by the contractors who used to take contracts for the removal of transportation of Foodgrains from the FCI Godown. So the present workman is appointed by the contractor and so he is not workman.

9. It can also be seen that no claim statement has been filed by the workman. As per M.P. No. 199/94 the union prayed for setting aside the order dated 24-11-93 and allow the workman to file claim statement. Even thereafter no claim statement has been filed.

10. It is axiomatic that the Labour Court cannot go beyond the issue referred. The issue referred in this case is whether the action of the management of M/s. Premier Cargo Service, the contractor of M/s. FCI in denying employment to Sri P. K. Unni is legal and justifiable. It is admitted by WW-1 that the contract with the FCI by Premier Cargo Service had expired. With regard to other two managements there is no reference. There is no reference as to whether the FCI is liable for denial of employment and if so whether the workman is entitled to be reinstated by FCI. The attempt of the present workman is to give evidence beyond the scope of reference. From the issue referred it can be seen that the Premier Cargo Service is a contractor under the FCI. The denial if any was done was by the contractor and not by the FCI. The contractor's period had expired. A workman employed by a contractor is not a workman as defined in the I. D. Act. Therefore there is no question of any illegal termination.

11. Judicial propriety on my part persuades me to give my answers on the decision cited by the Learned counsel for the workman in workman of FCI v. FCI 1985 (2) SCC 136. The question there was whether termination of service of workman who are appointed by contractors is illegal and void. The facts of the case in that decision are distinguishable from the facts of the present case. In that case initially work of handling foodgrains at Siliguri (West Bengal) Depot of the FCI was entrusted by the Corporation to the contractor who in turn engaged handling Mazdoors for the purposes of the work. They received their wages from the contractor as fixed by him or as agreed between the contractor and the workman. In January 1973 there was a contract between the FCI and the workers who were working in the Godown. Accordingly these workmen were paid directly by the FCI in the place of existing contract labour system. Under the newly introduced system bills for the piece rate wages payable to the handling Mazdoors were to be prepared by the depot staff and the Staff was to accept payment after giving acquittance and sign bills on their behalf and distribute the wages to the handling labour. The bill with the acquittance in the original would be with the Corporation. The union of the workmen was informed to

advise the local representatives of the workmen to submit the wage bill in time with the necessary particulars. This system of payment remained till January 1975, when the Corporation superseding the direct payment system and reintroduced the contractor system without giving any notice to the affected workmen. Consequently 464 workmen were treated as employed by the contractor. An industrial dispute was raised by the union against FCI, and consequential reference was made to the Tribunal for adjudication. It was in that context that the Supreme Court held that the termination of service of the workman is illegal since FCI introduced direct system after abolition of contract labour system and as a result the workman obtained the status of direct workmen of the employer, as made unilateral discontinuance of the direct payment system without the workman's consent. So in the present case there is no evidence to show that the workman was paid by the FCI. On the other hand from the admission of WW-1 it can be seen that he was paid by the contractor and he was employed by the contractor. The period of contract has expired.

12. To sum up the present workman is not a workman as defined in the I. D. Act and there is no illegal termination as alleged. Points so found against the workman.

13. Point No. 3—In the light of the above findings the present workman is not entitled to get any relief under industrial law

In the result, reference is answered against the union.
Ernakulam,

Dated : 19-2-1997

VARGHESE T. ABRAHAM, Presiding Officer

APPENDIX

Witness examined on the side of workman :

WW-1—Sri P. K. Unni.

Exhibits marked on the side of Workman :

Ext. W-1—E.S.I. Corporation Identity Card issued to P. K. Unni from ESI Corporation, Local Office, Fort Cochin with date of entry 1-1-85.

Ext. W-2—A permit Card dated 19-2-84 issued to workman by Chettined Corporation Pvt. Ltd., for entering a ship.

P. K. Unni from ESI Corporation, Local Office, workman.

Ext. W-3(a)—Another pass dated 19-8-83 issued to workman.

Ext. W-4—Security pass dated 27-11-83 issued to workman by Premier Cargo Service.

Ext. W-5—Wage Slip dated 30-6-87 issued to workman by third management.

Ext. W-6—Wage Slip dated 31-8-87 issued to workman by third management.

Ext. W-7—A medical Certificate dated 11-3-88 issued to workman by Superintendent by Government Hospital, Palluruthy.

Ext. W-8—Copy Judgement dated 1-11-91 in O.P. 4592 of 89 by Hon'ble High Court of Kerala.

नई दिल्ली, 26 मई, 1997

का.आ. 1591.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विनाखापटनम पोर्ट ट्रस्ट के प्रबंधन के संबंध में निम्नलिखित और उनके कामकाजों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विनाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-5-97 को प्राप्त हुआ था।

[मं. एल.-34012/0294/आई.आर. (विविध)]

बी.एम. डेविड, बैस्क अधिकारी

New Delhi, the 26th May, 1997

S.O. 1591.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 26-5-97.

[No. L-34012/02/94-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM- LABOUR-COURT VISAKHAPATNAM

PRESENT :

Smt. G. Jaishree, B.Sc., I.L.M., Chairman & Presiding Officer.
Thursday, the 13th day of March, 1997

I.T.I.D. No. 9/95(c)

BETWEEN :

G. V. Narasayya,
Rly. Khalasi, Traffic dept.,
C/o. The General Secretary,
Port and Dock Employees Association,
14-25-32A (Upstairs), Dandu Bazar,
Maharanipeta, Visakhapatnam-2. ... Workman.

AND

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam. ... Management.

This dispute coming on for final hearing before me in the presence of the workman in person and the management in person, upon hearing the arguments of both sides the court passed the following :—

AWARD

1. In this case, reference is made by the Government of India u/s 10(1)(d) of I.D. Act, for adjudication of the dispute existing between the Visakhapatnam Port Trust and their workmen in the following terms :—

“Whether the action of management of Visakhapatnam Port Trust in awarding multiple punishment to Sri. G. V. Narasayya, Rly. Khalasi, Traffic Dept. for subletting Port Quarter is justified ? If not to what relief the workman concerned is entitled ?”

2. In the claim statement filed by the General Secretary of Port and Dock Employees Association, it is stated that it is a registered union and the workman concerned is a member of the said union and the dispute has been espoused by the petitioner Union on behalf of the workman. The workman by name G. V. Narasayya is working as Railway Khalasi in the railway section of traffic department and he was placed under suspension w.e.f. 6-1-90 and charge sheeted for major penalty alleging that he sublet port quarter No. Type-I/1231 allotted to him at Saligramapuram Port Housing Colony to an outsider i.e. Sri. B. Jayaprakasa Rao, working in a petrol Bunk, Visakhapatnam for rent and thereby obtained pecuniary advantage for himself. It was further alleged in the charge sheet that he failed to maintain absolute integrity and devotion to duty as required under Reg. 3(1) of Visakhapatnam Port Employees' (conduct) Regulations, and violation of Reg. 14 of Vsm. Port Employees (allotment of Residences) Reg. 1968. It is stated that the workman submitted his explanation stating that he kept his cousin to stay in his quarter temporarily, to look after belongings as he had been constructing a thatched house at Sanjeevayya colony in Visakhapatnam. The workman shifted his residence to newly constructed own house, and he had vacated the quarter on 22-1-90 and his suspension was revoked from 27-1-90. The disciplinary authority appointed enquiry officer, who conducted enquiry and examined 3 witnesses but none of them stated that the workman gained any

benefit and in spite of the same the enquiry officer found the charges proved on the basis of which the disciplinary authority imposed the punishment of stoppage of one increment for one year with cumulative effect after issuing show cause notice. Appeal preferred by the workman was rejected. Thus, the workman challenges the findings of the enquiry officer and justification of punishment and prays for declaration that the order of punishment is illegal.

3. In the counter filed by the respondent/management is stated that no documentary evidence is produced along with the claim statement to show that the petitioner union had been registered nor any document to show that the workman concerned is a member of the petitioners union and therefore, has to establish the said facts.

4. Regarding the punishment imposed, it is stated that during the surprise inspection made by the vigilance department of the Port Trust on 7-12-89 it was found that the Port quarter allotted to the workman Sri G. V. Narasayya was sublet to an outsider by name Sri Boni Java Prakasa Rao working in petrol bunk, Maharanipeta, Visakhapatnam. Hence he was kept under suspension vide order dated 4-1-90 till such time he vacates the quarter besides taking disciplinary action for major penalty while cancelling the allotment of the quarter to the said employee. It is pleaded that he was kept under suspension and his allotment was cancelled for violating Reg. 21 of VPE (Allotment of Residences) Reg. 1968. The workman vacated within one month and then suspension was revoked. As the workman grossly violated the allotment of the residences regulations by subletting the quarter allotted to him to an outsider, the management is constrained to issue major penalty charge sheet invoking Reg. 10 of VPE (CCA) Regulations, 1968. The workman denied the charge in his explanation and therefore enquiry officer was appointed who conducted enquiry and found the charge proved against the workman. On the basis of the said report, show cause notice was issued proposing the punishment of reduction of pay by two stage for 3 years and after receiving explanation of the workman, the disciplinary authority took lenient view and imposed punishment of stoppage of increment for one year with cumulative effect and his appeal was rejected by the appellate authority. Thus, it is pleaded that the action of the management is justified.

5. No evidence, either oral or documentary is adduced by either side but both sides filed written arguments. Perused written arguments filed by both sides and the entire material on record.

6. The points that arise for consideration are :—

1. Whether the workers union is competent to represent the workman in these proceedings ?
2. Whether the punishment imposed on the petitioner is not justified ?
3. Whether the management imposed multiple punishment to the workman concerned for subletting Port Quarter ?
4. To what relief is the workman entitled ?

7. Point No. 1.—It is stated in the claim statement filed by the General Secretary of Port and Dock Employees Association, Visakhapatnam that this union is a trade union registered under the provisions of Trade Unions Act and the employee concerned by name Sri G. V. Narasayya is a member of this union and the dispute has been espoused by the petitioner union on behalf of the said workman. This competency of the workman union is questioned in the counter filed by the management Port Trust that stating no documentary evidence is appended along with the statement to show that the petitioner union has been registered nor any document filed to show that the workman concerned is a member of the petitioner union, and therefore the petitioner has to establish these facts. In the written arguments filed by the petitioner union it is stated in this regard that this union has been functioning in the respondent organisation for more than 24 decades and since then the management has been negotiating with the petitioner union and no documentary evidence is required to be produced

either with regard to the registration of the union or

membership of the workman concerned. The management filed written arguments after about the month of filing written arguments by the petitioner union and it does not dispute this allegation made by the petitioner union that it has been representing the workman in this management for a long time and negotiating on behalf of the workman. In the counter filed by the management, the management does not allege that this union is not registered and further that the workman concerned is not a member of this union but only puts the petitioner to the proof of the same. No specific proof is necessary when the management does not deny these facts and dispute the same. In all these reasons, I hold on this point that the petitioner union is competent to represent the concerned workman in these proceedings.

8. Point No. 2.—The terms of reference do not include the justification of the punishment imposed on the workman but the reference is only regarding the justification of multiple punishment imposed on the workman Sri. G. V. Narasayya. But in the entire claim statement the plea is regarding the validity of findings of the enquiry officer and the justification of the punishment imposed on the petitioner for subletting the quarter allotted to him by the management. The charge leveled against the workman is that he unauthorisedly let out the Port Quarter allotted to him to an outsider and thus violated Reg. 3(i) of VPE Conduct Regulations, 1968 and also Reg. 14 of VPE (Allotment of the Residences) Reg., 1968. A perusal of the enquiry report filed by the management shows that the enquiry officer recorded the statements of the vigilance officers who conducted the surprise visit and found the quarter sublet by the delinquent and also the vigilance officer who recorded the admission statement of the delinquent. The enquiry officer records that the person by name B. Jayaprakasa Rao did not turn-up for the enquiry inspite of receipt of several notices. The enquiry officer discussed the entire material on record and came to the conclusion that the delinquent was staying in a thatched house at Sanjeevayanagar allowing an outsider to stay in his quarters for the past two years and this itself will eloquently speak the intentions of the charged officer in getting some unlawful pecuniary advantage and thus violated the above Regulations. I do not find any perversity or impropriety in this findings of the enquiry officer. The enquiry officer considered all the relevant material on record and gave cogent reasons for his findings. The contention of the workman that none of the witnesses deposed before enquiry officer that the workman obtained gain by subletting, has no force in as much as the subletting of an outsider is a circumstances indicating the gain as rightly held by the enquiry officer. On the basis of the enquiry report, the disciplinary authority imposed punishment on the workman after receiving show cause notice and receiving his reply which is stoppage of increment for one year with cumulative effect and having regard to the gravity of the charge proved against the workman. This punishment cannot be considered as unjustified. The workman states in the claim statement that some 6 other workmen whose names are mentioned therein were imposed lighter punishment. But in the counter it is stated that the cases of these workmen are different when compared to the facts and the incident of this case. Thus, no discriminatory treatment is given to the petitioner as alleged by him. In all these circumstances, I come to the conclusion that the punishment imposed on the workman is justified. I hold on this point accordingly.

9. Point No. 3.—This point is whether the management imposed multiple punishment to the workman concerned for subletting Port Quarter? There is nothing in the entire claim statement pleading imposition of multiple punishment by the management for subletting the quarter unauthorisedly by the workman except challenging the sole punishment of stoppage of increment for one year with cumulative effect. But from the averments made in the counter, I find that the workman was suspended on 4-1-90 till such time he vacates the quarter besides taking disciplinary action for major penalty and the allotment of the quarter in question was also cancelled. The reference in this case probably refers to these various acts of the management as imposing multiple punishments on the workman for the same act of subletting the quarter allotted to him unauthorisedly. From these acts of the management, I do not find any multiple punishment. The only punishment imposed on the workman for the misconduct of subletting the quarter is, stoppage

of increment for one year with cumulative effect. Suspension of the workman till such time he vacates the quarter is only in order to make the workman vacate the quarter and cancellation of the allotment is as per the Visakhapatnam Port Employees (Allotment of Residences) Reg., 1968. These two acts on the Part of the management are not punishments but they are the acts for taking possession of the quarter allotted to the workman consequent to unauthorised usage. The only punishment in pursuance of disciplinary action of the above said act imposed by the disciplinary authority is stoppage of increment for one year with cumulative effect. Thus, the workman is given only one punishment and not multiple punishment. Accordingly, I hold on this point that the management has not imposed multiple punishment on the workman.

9. Point No. 4.—In view of my findings on points 2 and 3 above, the workman is not entitled to any relief in these proceedings.

10. In the result, nil award is passed answering the reference as follows :—

“The action of the management of Visakhapatnam Port Trust in imposing punishment to Sri G. V. Narasayya, Railway Khalassi, Traffic Department for subletting port quarter is justified and the management did not impose multiple punishment for the same and the workman is not entitled to any relief.”

Dictated to steno transcribed by her given under my hand and seal of the Court this the 13th day of March, 1997.

G. JAISHREE, Chairman & Presiding Officer

Appendix of Evidence in I.T. I.D. No. 9/95(C)

WITNESSES EXAMINED

For Workman.—None.

For Workman.—None.

Documents Marked

For Workman.—Nil.

For Management.—Nil.

नई दिल्ली, 26 मई, 1997

का. आ. 1592.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पंचाट को प्रक.शित करती है, जो केन्द्रीय सरकार को 26-5-97 को प्राप्त हुआ था।

[सं. एल. 34012/04/94-आई आर (विधि)]

बी० एम० डेविड, डैस्क अधिकारी

New Delhi, the 26th May, 1997

S.O. 1592.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 26-5-97.

[No. L-34012/04/94-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, VISAKHAPATNAM

PRESENT :

Smt. G. Jaishree, B.Sc., LL.M., Chairman and Presiding
Officer.

Thursday, the 13th day of March, 1997

I.T.I.D. No. 8/95(C)

BETWEEN

K. Apparao,
The General Secretary,
Port and Dock Employees Association,
D. No. 14-25-32A (Upstairs),
Dandubazar, Mahoranipeta,
Visakhapatnam.

... Workman.

AND

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam. ... Management.

This dispute coming on for final hearing before me in the presence of the workman in person and the management in person, upon hearing the arguments of both sides the court passed the following :

AWARD

(1) In this case reference is made by the Government of India to this tribunal under section 10(1)(d) of I.D. Act for adjudication of the dispute existing between the management of Visakhapatnam Port Trust and their workmen in the following terms :

"Whether the action of the management of Visakhapatnam Port Trust in not enhancing the subsistence allowance of Shri K. Apparao who was involved in theft case from 50 per cent to 75 per cent of his wages on par with 2 other employees who were involved in similar case is justified? If not, to what relief the workman is entitled to?"

(2) It is stated in the claim statement filed by the General Secretary of the Port and Dock Employees Association, Visakhapatnam that the workman by name K. Apparao who was working as Khelasi in the Medical Department of Visakhapatnam Port Trust, since 1975, was placed under suspension w.e.f. 30th January, 1991 for his alleged involvement in a theft case reportedly occurred in the Port Premises on 8-1-91 and charge sheet was filed by the Sub-Inspector of Police (Crime), Harbour Police Station, Visakhapatnam. The workman is being paid 50 per cent as his emoluments as Subsistence Allowance ever since he was placed under suspension w.e.f. 30th January, 1991. It is claimed that as per the provisions contained in Fundamental Rules 53, the Subsistence Allowance should be enhanced by a suitable amount not exceeding 50 per cent of the subsistence allowance admissible during the period of the first 3 months, if in the opinion of the competent authority, the period of the suspension period has been prolonged for reasons, to be recorded in writing, not directly attributable to the Government Servant. In the instant case, the workman is being paid only 50 per cent of subsistence allowance right from the date of his suspension and the same is not increased to 75 per cent even though 4 years have elapsed and the reasons for prolongation of suspension are not attributable directly to the workman. It is pleaded that as per the Government of India orders, Ministry of Home Affairs dated 7-9-65 the suspension should not be continued beyond 6 months period and as per the administrative order dated 1-10-80 the management should have reviewed the case of the workman and lifted the suspension long ago as the cause of suspension is not connected to official duties of the workman. It is pleaded that in the case of other employees mentioned therein who are kept under suspension for various causes, they are paid

75 per cent of subsistence allowance by the respondent/management and the same was denied to the workman herein. Thus, it is prayed that award may be passed for payment of 75 per cent of subsistence allowance to the workman in question with retrospective effect from the date of suspension.

(3) Counter is filed by the management, denying the claim of the workman. Firstly, it is stated that the petitioner has to establish that the union has been registered, on the merits of the issue, it is pleaded that Sri K. Apparao was kept under suspension w.e.f. 29-1-91 on his grave misconduct and involvement in the criminal Act of pilferage of 17 Nos. Aluminium in gots of M/s. N.A.L. Co., Visakhapatnam. It is stated that the criminal case against him is still pending and Sri K. Apparao represented from time to time for enhancement of subsistence allowance and revocation of suspension orders thereon, and his case was reviewed by the Disciplinary Authority in terms of the existing regulations in force and F.R. 53 and enhancement was not considered by the management. It is pleaded that the petitioner cannot claim enhancement as a matter of right as per F.R. 53 but it is in the discretion of the disciplinary authority to either enhance or reduce the 50 per cent of subsistence allowance allowed for the first 3 months, having regard to the circumstances, and in the present case the same was not enhanced having regard to the factual position and the rule position. It is pleaded that Sri K. Apparao is involved in a criminal case and serious misconduct and having regard to the serious misconduct, the management though it not to consider lifting of suspension against him and it is immaterial whether the cause of suspension is connected with official duties of the workman or not. Regarding allegation that other workman who are kept under suspension for various causes and whose subsistence allowance was increased to 75 per cent it is stated that no comparison could be drawn by the petitioner as the circumstances and facts of the present case are different from these of other cases. Thus, it is prayed that the claim of the petitioner cannot be considered by this tribunal.

(4) No evidence either oral or documentary is adduced by either side.

(5) Both sides filed written arguments. Perused the written arguments filed by both sides.

(6) The points that arise for consideration are :

(1) Whether the workers union is competent to represent the workman in this reference?

(2) Whether the workman Sri K. Apparao is entitled for enhancement of the subsistence allowance from 50 per cent to 75 per cent as claimed?

(3) To what relief is the workman K. Apparao entitled?

(7) Point No. 1—It is stated in the claim statement filed by the General Secretary of Port and Dock Employees Association, Visakhapatnam that this union is a trade union registered under the provisions of Trade Unions Act and the employee concerned i.e., Sri K. Apparao is a member of this union and the dispute has been espoused by the petitioner union on behalf of the said workman. This competency of the petitioner union is questioned in the counter filed by the management Port Trust that no documentary evidence is appended along with the statement to show that the petitioner union has been registered nor any document filed to show that the workman concerned is a member of the petitioner union. Therefore, the petitioner has to establish these facts. In the written arguments filed by the petitioner union it is stated in this regard that this union has been functioning in the respondent organisation for more than 2-1/2 decades and since then the management has been negotiating with the petitioner union and no documentary evidence is required to be produced either with regard to the registration of the union or membership of the workman concerned. The management filed written arguments after about one month of filing written arguments by the petitioner union and it does not dispute this allegation made by the petitioner union that it has been representing the workman in this management for a long time and negotiating on behalf of the workman. In the counter filed by the management, the management does not allege that this union is not registered and further that the workman concerned is not a member of this union but only puts the petitioner to the proof

of the same. No specific proof is necessary when the management does not deny these facts and dispute the same. In all these reasons, I hold on this point that the petitioner union is competent to represent the concerned workman in these proceedings.

(8) Point No. 2—It is stated in the claim statement filed by the workman that he was placed under suspension w.e.f. 30th January, 1991 for his alleged involvement in a theft case reportedly occurred in the Port Premises on 8-1-91 and SEE COPY NOT AVAILABLE Harbour Police Station, Visakhapatnam. It is further stated that he is being paid 50 per cent of his emoluments as subsistence allowance since then without enhancing the same. It is pleaded that as per F.R. 53, the workman is entitled to subsistence allowance at 50 per cent of his emoluments for first 3 months and thereafter the same is to be increased to 75 per cent if the reasons for prolongation of suspension are not attributable directly to the workman. It is further pleaded that as per Government of India orders dated 7-9-65, the suspension should not be continued beyond 6 months period, and as per the Administrative order of the management dated 1-10-80, the management should have reviewed the case of the workman and lifted the suspension long ago as the cause of suspension is not connected to official duties of the workman. But the workman failed to produce these orders issued by Government of India and the management, in support of his contention. Further, lifting or continuation of the suspension, is not included in the terms of reference. For all these reasons, I do not find any substance in the contention of the petitioner that his suspension cannot be continued beyond 6 months period and that the management should have reviewed his case and lifted the suspension.

(9) Regarding enhancement of the subsistence allowance to 75 per cent after the expiry of first three months of the suspension period, the management does not dispute that the payment of subsistence allowance is governed by F.R. 53. But it contended that it is in the discretion of the management to review and either enhance or reduce the rate of suspension allowance under this rule and the management reviewed the case of the workman accordingly and found no case for enhancement of the subsistence allowance over and above 50 per cent of his emoluments. From a reading of F.R. 53 I find that the authority suspending the workman is given authority to vary the amount of subsistence allowance for any period subsequent to the period of the first 3 months but such variation is not mandatory and the same is only discretionary. The relevant extract of F.R. 53(ii) is as follows:

"In the case of any other Government Servant—

(a) a subsistence allowance at an amount equal to the leave salary which the Government Servant would have drawn if he had been on leave on half average pay or on half pay and in addition, dearness allowance, if admissible on the basis of such leave salary: Provided that where the period of suspension exceeds three months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows:—

(i) The amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period and the first three months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the Government servant;

(ii) the amount of subsistence allowance, may be reduced by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first three months, if in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the Government Servants.

(10) A reading of the above provision clearly indicates that the authority may increase or reduce the amount of subsistence allowance in case where the period of suspension has been prolonged, considering the reasons for prolonging the

suspension period. In the present case, admittedly criminal case is pending against the workman concerned for the offence of theft and obviously the reason for prolonged suspension is pendency of the criminal case and not pendency of any enquiry by the disciplinary authority. Therefore, the management can hardly assess the reasons for the delay in the disposal of the criminal case, in order to test whether the same is directly attributable to the workman concerned or not. The management states in the counter that in the present case the circumstances do not warrant enhancement of subsistence allowance as the workman is involved in criminal case and serious misconduct. Thus, the management acted bona fide and came to the conclusion that there is no circumstances warranting the enhancement of subsistence allowance from 50 per cent to 75 per cent beyond the first 3 months of the suspension. The workman mentions in the claim statement the cases of 5 workmen stating that they are under suspension for various causes and they are paid 75 per cent of subsistence allowance by the management whereas the petitioner is denied the same. In the claim statement itself it is stated that the causes of suspension are different in the case of these 5 workmen and they are not similar to the case of the workman herein and therefore no comparison can be drawn between their cases and the case of the workman herein. In these circumstances, I do not find any discrimination against the petitioner merely because his subsistence allowance is not enhanced to 75 per cent. For all these reasons, I come to the conclusion that the workman Sri K. Apparao is not entitled to claim enhancement of subsistence allowance from 50 per cent to 75 per cent of his wages as claimed by him. I hold on this point accordingly.

(11) Point No. 3—In view of my findings on points 1 and 2 above, I hold that the workman Sri K. Apparao is not entitled to any relief in these proceedings.

(12) In the result, nil award is passed answering the reference as follows:

"The action of the management of Visakhapatnam Port Trust in not enhancing the subsistence allowance of Sri K. Apparao who was involved in theft case, from 50 per cent to 75 per cent of his wages is justified and the workman is not entitled to any relief."

Dictated to steno transcribed by her given under my hand and seal of the court this the 13th day of March, 1997.

G. JAISHREE, Chairman & Presiding Officer

APPENDIX OF EVIDENCE IN I.T.L.D. No. 8/95(C)

WITNESSES EXAMINED

For Workman: None.

For Management: None.

DOCUMENTS MARKED

For Workman: Nil.

For Management: Nil.

नई दिल्ली, 23 अप्रैल, 1997

कांआ० 1593.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरकॉर्पोरेशन धार के लाजिस्ट ए० एस्० आई० आगरा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-4-97 को प्राप्त हुआ था।

[सं० एल-42011/82/90-आई धार (बीयू)]

क०बी०बी० उम्मी, डेस्क अधिकारी

New Delhi, the 23rd April, 1997

S.O. 1593.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of Superintending Archaeologist, A.S.I., Agra and their workmen, which was received by the Central Government on 23-4-1997.

[No. L-42011/82/90-IR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 122 of 1991

In the matter of dispute :

BETWEEN

President, Archaeological Survey of India
Mazdoor Union 2/236 Namneir Agra.

AND

Superintending Archaeologist, A.S.I., 22 Mall
Agra.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-42011/82/90-IR-DU D-2(B), dated 4-9-1991 has referred the following dispute for adjudication to this Tribunal :—

Whether the Superintending Archaeologist, ASI, Agra, is justified in terminating the services of 74 workmen as per list enclosed w.e.f. the dates given against each workman. If not, what relief they are entitled to ?

2. In this reference there are 74 workmen, the names of whom have been given in the schedule attached with the reference. Their respective dates of appointment and retrenchment have also been given. It may also be mentioned that at serial nos. 8, 10 and 28 their appear the names of Vijay Kumar, Bhagwati and Ram Khilari. Their names have been repeated at serial Nos. 52, 56 and 50 respectively. Thus these three names are common. In this way we are left with 71 workmen. It also emerges out from the pleadings of the parties that names Harpyari, Kuwnwar, Ishwar Prasad, Behadur Singh, Omkar Singh, B. D. Singh Mangli, Sitaram and Om Prakash appearing at serial Nos. 4, 6, 7, 13, 14, 43, 53, 55 and 57 respectively have also raised I. D. Nos. 166/91, 160/91, 159/91, 162/91, 158/91, 161/91, 163/91 and

165/91 respectively. In view of pendency of these references the references with regard to those workmen is being left unanswered as it would be subject to final award in the above mentioned references.

3. With regard to 62 workmen after ignoring the claims of above mentioned 9 persons, they have alleged that they had been doing work of casual labour from the date given in the schedule attached to the reference order with the opposite party and have been retrenched from services from the dates mentioned therein. As they had completed more than 240 days in a year their retrenchment is bad in law. Besides there has been breach of section 25-G and H of I. D. Act.

4. The opposite party filed reply in which apart from high-lighting the defects in respect of which mention have been made in the opening para, it has also been alleged that opposite party is not an industry and that none of the workman have completed 240 days in a year.

5. In the rejoinder nothing have been said about the breach of section 25-G and H of I. D. Act.

6. In support of their case concerned workmen have filed affidavits of Bhagwati Prasad, Bahadur Singh, Kalicharan and Munney Khan. Further one Ramesh Chandra W.W. have been examined. The management was given opportunity to adduce evidence but they have failed to do so. They have also not filed job card of any of the workman and even the muster rolls to show the number of days of working of the concerned workmen. Hence, adverse inference is to be drawn against the management and in favour of the concerned workmen. Accordingly relying upon un rebutted evidence of the concerned workmen and drawing adverse inference against the management because of failure to file papers, I accept the version of the concerned workmen and hold that they had completed 240 days in a year and had not been paid optive pay and retrenchment compensation at the time of retrenchment. As such their termination is bad in law.

6. There is no evidence about the breach of Section 25G and H.

7. In the end my award is that termination of the concerned workmen except Harpyari, Kuwnwar, Ishwar Prasad, Bahadur Singh, Omkar Singh, B. D. Singh, Mangli, Sitaram and Om Prakash is being in breach of section 25F of I.D. Act and they will be entitled for reinstatement with back wages at the rate at which they were drawing wages for the last time.

8. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

अनुसूची

भारतीय पुरातत्व विभाग आगरा के विभिन्न स्मारकों से वर्षों पुराने कार्यरत पुरुषों में निकाले गये दैनिक वेतन-भोगी कर्मचारियों की सूची को निम्न प्रकार से है:—

अ.सं.	दैनिक वेतनभोगी कर्मचारी का नाम व पिता का नाम	पद	नियुक्त स्थान	नियमित तिथि	कार्य से हटाये जाने की तारीख
1.	बदन सिंह पुत्र श्री बेदरिया	बेलदार	सिकन्दरा	1 जून, 1985	1 दिस०, 1987
2.	रोशनलाल, रामचन्द्र	मैसन	ताजमहल	1 जून, 1986	1 दिस०, 1988
3.	तेजपाल पुत्र निनुआराम	बेलदार	"	1 जून, 1985	1 दिस०, 1986
4.	श्रीमती हरप्यारी पत्नी रामसिंह	"	आगरा किला	20-1-81	1-10-87
5.	हरी सिंह पुत्र डालचन्द	"	ताजमहल	1-1-86	1-12-88
6.	कुंवर पुत्र कादर	"	सिकन्दरा	1-1-81	1-1-88
7.	ईश्वरी प्रसाद पुत्र मनोहर	"	"	21-12-87	13-7-87
8.	विजय कुमार पुत्र बेदरिया	"	आगरा किला	1-12-85	1- -88
9.	गजेन्द्र पुत्र श्री विद्याराम	"	ताजमहल	1 अप्रैल, 86	1 दिस., 88
10.	भगवती पुत्र भजनलाल	मैसन	आगरा किला	1 जन., 81	दिस., 86
11.	चन्द्रपाल पुत्र शेरसिंह	"	ताजमहल	1 जन., 86	1 दिस., 88
12.	जगेंद्र पुत्र हरप्रसाद	बेलदार	"	1 जन., 86	1 दिस., 88
13.	बहादुर सिंह पुत्र ओमप्रकाश	"	स्मारक ताजमहल	जन., 85	20 जून, 89
14.	ओमकार सिंह पुत्र रामबहादुर सिंह	"	स्मारक सिकन्दरा	जन., 85	20 जून, 89
15.	साहुकार पुत्र डालचन्द	"	स्मारक ताजमहल	1-11-87	14 मार्च, 89
16.	त्रिलोकी पुत्र दीपचन्द	"	"	2-7-87,	14 मार्च, 89
17.	रामदयाल पुत्र निहाल सिंह	"	"	1-1-87	14 मार्च, 89
18.	पन्नालाल पुत्र छतो	मैसन	ताजमहल	1-11-88	14 मार्च, 89
19.	जोगेन्द्र सिंह पुत्र केशरीलाल	बेलदार	"	1-11-88	14 मार्च, 89
20.	रमजानी पुत्र गुटई	मैसन	स्मारक ताजमहल	1-6-74	14 मार्च, 89
21.	बहादुर सिंह पुत्र धीवान सिंह	बेलदार	"	19-5-87	23-11-88
22.	जगन्नाथ सिंह पुत्र नत्थीलाल	"	"	1-1-87	14-3-89
23.	विजेंद्र सिंह पुत्र नत्थीलाल	"	"	जनवरी, 87	14-3-89
24.	मुन्ना खां पुत्र भगनखां	"	"	1-4-85	21-3-89
25.	इस्लाम पुत्र कलुआ	मैसन	स्मा. ताजमहल	जन., 85	11-3-89
26.	मानिकचन्द पुत्र भूरी सिंह	"	"	जन., 85	9-5-88
27.	ब्रह्मजीत पुत्र कालीचरन	बेलदार	"	1-8-86	21-8-89
28.	रामखिलाड़ी पुत्र हुकमचन्द	"	"	जन., 85	14-3-89
29.	शुकन्तला पत्नी श्री छत्तर सिंह	"	स्मा. सिकन्दरा	दिस., 85	1-4-88
30.	राजकुमार पुत्र राजन सिंह	"	स्मा. ताजमहल	जन., 85	14-3-86
31.	सियाराम पुत्र बाबूलाल	मैसन	"	29-1-89	17-6-89
32.	पप्पू पुत्र कोकी	बेलदार	स्मा. सिकन्दरा	1-1-87	1-7-89
33.	इन्द्र पुत्र बाबू लाल	मैसन	"	5-1-85	1-7-85
34.	लक्ष्मीनारायण पुत्र नत्थीलाल	बेलदार, स्त्री०	"	1-1-86	1-3-88
35.	कलुआ पुत्र खुन्ती राम	बेलदार	"	1-1-87	1-8-88
36.	राम सिंह पुत्र भजन लाल	"	"	1-1-84	1-12-88
37.	रमेश पुत्र भजनलाल	"	"	दिस., 85	1-12-88

1	2	3	4	5	6
38.	उरलम पुत्र रसोदर	बेलदार	स्मा. ताजमहल	1-6-86	1-7-88
39.	पययाज पुत्र निवाजबंग	स्टोरकटर	स्मा. पतेहपुरी सीकरी	1-12-77	मार्च, 89
40.	कालीचरन पुत्र तुलसीराम	मैसन	आगरा किला	जून., 84	3-7-87
41.	भोजराज पुत्र छन्नीलाल	बेलदार	ताजमहल	दिस., 85	1-1-89
42.	सछमन सिंह पुत्र मोहनलाल	"	"	1-1-86	14-3-89
43.	बीरी सिंह पुत्र जयचन्द सिंह	"	"	जन., 66	12-12-87
44.	मुरारीलाल पुत्र महराम सिंह	मैसन	"	28-9-73	जन., 1988
45.	साहेब सिंह पुत्र हरनाम सिंह	बेलदार	स्मा. सिकन्दरा	1-10-87	1-8-89
46.	सुनील दीक्षित पुत्र गंगासरन	दी. इलेक्ट्रीफिंग कार्यालय		31-7-87	1-10-88
47.	शिवशंकर पुत्र रामदयाल	स्मारक	स्मा. ताजमहल	1-1-79	22-2-89
48.	जगदीश सिंह पुत्र नन्धोलीराम	बेलदार	सिकन्दरा	19-4-85	5-5-88
49.	रमेश पुत्र काशी राम	"	"	20-3-85	18-1-88
50.	रामबिलाड़ी पुत्र हुकुमचन्द	"	ताजमहल	जन., 85	दिस., 88
51.	रामकिशन पुत्र सुखराम	"	पतेहपुरी सीकरी	जु., 78	दिस., 88
52.	विजय कुमार पुत्र बंदरिया	"	स्मा. आगरा किला	दिस., 85	जून, 88
53.	मंगला पुत्र भूरे लाल	मैसन	ताजमहल	दिस., 85	19-3-88
54.	शिवदत्त सिंह पुत्र गौरी	बेलदार	स्मा. आगरा किला	जन., 84	27-3-88
55.	सीताराम पुत्र कल्याण	"	स्मा. ताजमहल	जन., 87	22-3-88
56.	भगवती पुत्र भजनलाल	"	आगरा किला	1-1-85	दिस., 87
57.	ओम प्रकाश पुत्र टेकचन्द	मैसन	ताजमहल	जन., 74	7-2-87
58.	साहबुद्दीन पुत्र कूका	बेलदार	सिकन्दरा	जन., 85	दिस., 87
59.	बमरुद्दीन पुत्र रशीजुद्दीन	"	ताजमहल	जन., 85	दिस., 87
60.	बकीलुद्दीन पुत्र पकलुद्दीन	"	"	दिस., 88	मार्च, 89
61.	मदनमोहन पुत्र पूरनचंद	"	"	1-8-73	31-12-77
62.	मुन्ने खां पुत्र अब्दुल शकूर	"	"	1-6-73	30-6-76
63.	रामसिंह पुत्र श्री कुबनसिंह	"	"	5-1-73	31-3-78
64.	राजेंद्र प्रसाद पुत्र गौरी शंकर	"	"	12-10-86	14-3-89
65.	महेश चंद पुत्र छोटेलाल	"	"	28-7-87	9-3-88
66.	हरदेव सिंह पुत्र धमंडीसिंह	"	सीताराम मंदिर सब सैकिल मथुरा	1-2-85	9-12-86
67.	विनेशचंद पुत्र धुलियाराम	"	ताज कार्या. महल	20-7-87	1-3-88
68.	महेशचंद पुत्र रमेशचंद	"	"	1-18-66	15-12-87
69.	राजकुमार पुत्र शिवदत्त शर्मा	"	सिकन्दरा	5-5-87	दिस., 88
70.	विजेंद्र पुत्र सीताराम	"	ताजमहल	1-1-97	14-3-89
71.	कमलेश कुमार पुत्र रामचरन	"	"	1-1-88	1-8-89
72.	ग्यासीराम पुत्र होतीलाल	"	सिकन्दरा	8-10-88	14-6-89
73.	राजन पुत्र होतीलाल	"	"	14-8-68	14-6-89
74.	गजेंद्र सिंह पुत्र बकीलसिंह	"	"	1-11-86	1 दिस., 88

नई दिल्ली, 26 मई, 1997

का. आ. 1594.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.डी.ओ. टेलेकॉम, महबूबनगर, के संबंधित के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-5-97 को प्राप्त हुआ था।

[मं. एल.-40012/193/95-आई आर(डीयू)]
के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 26th May, 1997

S.O. 1594.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SDO, Telecom, Mehaboobnagar and their workman, which was received by the Central Government on 26-5-97.

[No. L-40012/193/95-IR(DU)]
K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I, AT HYDERABAD

Present :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated : 30th Day of December, 1996

INDUSTRIAL DISPUTE NO. 123 OF 1996

BETWEEN

Sri K. Raju, S/o Mahaboobji,
H. No. 4-1-116/4, Ramalahbowli,
Mahaboobnagar .. Petitioner

AND

The Sub-Divisional Officer,
Telecommunication, Mahaboobnagar,
A.P. .. Respondent

Appearances :—

None for the petitioner.

Sri P. Damodar Reddy Advocate for the Respondent.

AWARD

The Govt. of India, Ministry of Labour, New Delhi made a reference to this Tribunal by its order No. L-40012/193/95 IR(DU) dated 27-8-96 under sections 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows:

"Whether the management of Sub-Divisional Officer Telecom Mahaboobnagar, is justified in terminating the services of Sri K. Raju, Ex-Casual mazdoor with effect from 1-10-94 without following the provisions of section 25F of the I.D. Act, If not, what relief he is entitled to ?"

2. After receipt of the said reference, this Tribunal issued notice to both the parties to appear on 18-10-96. On 30-11-96 Sri P. Damodar Reddy, Advocate filed memo of appearance to the Respondent. The petitioner did not appear before this Tribunal and contest the matter, though the notice was served upon him. On perusal of docket sheet from 8-10-96 to 30-12-1996. It is understood that the petitioner is not interested to prosecute the matter in the case. Therefore, it is unnecessary to keep this matter pending on the file of this Tribunal. Hence I.D. is closed.

Given under my hand and the seal of this Tribunal, this the 30th Day of December, 1996.

V. V. RAGHAVAN, Industrial Tribunal

No oral or documentary evidence is adduced by both the parties.

नई दिल्ली, 26 मई, 1997

का.आ. 1595.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.डी.ओ. (फोन्स) टेलेकॉम, करीमनगर के संबंधित के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-5-97 को प्राप्त हुआ था।

[मं. एल.-40012/11/95-आई आर(डीयू)]
के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 26th May, 1997

S.O. 1595.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SDO (Phones) Telecom, Karimnagar and their workman, which was received by the Central Government on 26-5-97.

[No. L-40012/11/95-IR(DU)]
K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

Present :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.
Dated : 2nd Day of December, 1996

INDUSTRIAL DISPUTE NO. 33 OF 1996

BETWEEN

Sri A. Raja Mouli, Area Secy. All India
Telecom Employees Union, Line Staff and
Group 'D' Karimnagar-505 001. .. Petitioner

AND

The S.D.O. (Phones) Telecom,
Karimnagar-505 001. .. Respondent

Appearances :

Sri C. Suryanarayana, Advocate for the Petitioner.

Sri P. Damodar Reddy, Advocate for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi made a reference to this Tribunal by its Order No. L-40012/11/95 IR(DU) dated 27th March, 1996 under Section 10(1)(d) & 2A of the Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its Schedule which reads as follows :

"Whether the divisional officer (Phones) Telecom Karimnagar is justified in terminating the services of Sri V. Hanumaiah ? If not, to what relief the workman is entitled to ?"

2. After receipt of the said reference this Tribunal issued notices to both the parties to appear on 10-6-96. On that day Sri C. Suryanarayana, Advocate filed Vakalat for the petitioner. Sri P. Damodar Reddy, Advocate filed Vakalat

for the Respondent. But either of the parties have not filed their respective statements. The matter was posted from time to time for filing the same. But on 5-8-1996 neither the petitioner nor his Advocate appeared before this Tribunal. Hence the I.D. is closed. After that, the petitioner filed a petition to set-aside the order dt. 5-8-96, alongwith Claim Statement. The counter has been filed by the Respondent to the above Petition IA 131/96 by the respondent on 28-9-96, to dismiss the above I.A. After filing the said Petition by the petitioner, neither the petitioner nor his Advocate appeared and get ready for enquiry.

3. In view of the entries in the docket sheet in the I.D. 33/95 as well as in I.A. No. 131/96, the petitioner is not interested to prosecute the matter. Hence there is no option but to close the said I.A. The I.A. 131/96 was dismissed. Therefore, the I.D. is also closed.

Given under my hand and the seal of this Tribunal, this the 2nd day of December, 1996.

V. V. RAGHAVAN, Industrial Tribunal

No oral or documentary evidence is adduced on behalf of both the parties.

नई दिल्ली, 26 मई, 1997

का.आ. 1596.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एम.डी.ओ., तेलीकाम धर्मविरम के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-5-97 को प्राप्त हुआ था।

[सं. एल-40012/78/95-आई आर(डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 26th May, 1997

S.O. 1596.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SDO, Telecom, Dharmavaram and their workman, which was received by the Central Government on the 26-5-97.

[No. L-40012/78/95-IR(DU)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

Present :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated : 12th day of December, 1996

INDUSTRIAL DISPUTE NO. 66 OF 1996

BETWEEN

Sri B. Srinivasa Reddy, S/o B. Sivarama Reddy,
Vill. Balakavariipalli, Amadapur (Post & Mandal),
Ananthapur Distt. 515 001. . . Petitioner

AND

The S.D.O., Telecom,
Dharmavaram, Near Rly. Station,
Ananthapur Distt.-515 001. . . Respondent

Appearances :

None for the Petitioner.

Sri P. Damodar Reddy, Advocate for the Respondent.
1427 GI/97—22

AWARD

The Government of India, Ministry of Labour, New Delhi made a reference to this Tribunal by its Order No. L-40012/78/95-IR(DU) dated 30th April, 1996, under Section 10(1)(d) and 2A of Industrial Dispute Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the management of Sub-Divisional Officer, Telecommunication, Dharmavaram is justified in terminating the services of Sri V. Srinivasa Reddy ? If not, to what relief the workman is entitled to ?"

2. After receipt of the said reference, this Tribunal has issued notices to both the parties. On 5-8-1996 Sri P. Damodar Reddy, Advocate filed Vakalat for the Respondent. Both parties appeared before this Court. Both the parties have not filed their respective statements. The Respondent filed a petition I.A. No. 163/96 on 31-8-96 to decide the preliminary issue that this dispute itself is not maintainable. The Respondent also mentioned in it that the said I.A. 163/96 was sent to the petitioner by Reg. Post and acknowledgement due and a copy of the postal receipt is filed alongwith the petition. Thereafter the petitioner did not appear and file counter for it.

On perusal of the docket sheet in the main I.D. as well as in the said I.A., the petitioner did not evince any interest from 26-7-1996 to 12-12-1996. Hence it is unnecessary to keep the I.D. on the file of this Tribunal as the petitioner did not come forward either to file the claim statement or prosecute the matter. Therefore the reference alongwith the said I.A. 163/96 are closed.

Given under my hand and the seal of this Tribunal, this the 12th day of December, 1996.

V. V. RAGHAVAN, Industrial Tribunal

No oral or documentary evidence is adduced by both the parties.

नई दिल्ली 26 मई, 1997

का.आ. 1597.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एम.डी.ओ. (फोन्स) तेलीकाम, मेडक डिस्ट्रिक्ट मेडक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-5-97 को प्राप्त हुआ था।

[सं. एल-40012/120/95-आई आर(डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 26th May, 1997

S.O. 1597.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.D.O. (Phones) Telecom Medak, Medak and their workman which was received by the Central Government on the 26-5-97.

[No. L-40012/120/95-IR(DU)]

K.V.B. UNNY, Desk Officer

**ANNEXURE
BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD**

Present :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated : 6th day of February, 1997

INDUSTRIAL DISPUTE NO. 115 OF 1996

BETWEEN

Sri M. Krishna, S/o Durgalah,
Nagaram (Faridpur), Kusinapalli-502130 .. Petitioner
AND

(1) The SDO (Phones) Telecom, Medak Distt., Medak.

(2) The Telecom, Distt. Engineer,
Sanga Reddy-502 050 .. Respondent

Appearances :

Sri C. Suryanarayan, Advocate for the Petitioner.

Sri P. Damodar Reddy, Advocate for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-40012 120/93-IR (DU) dated 5-7-96 made a reference to this Tribunal under Sections (1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its Schedule which reads as follows :

“Whether the action of the management of Sub-Divisional Officer (Phones) Telecom Medak, Distt. Medak is justified in terminating the services of Sri M. Krishna ? If not, to what relief the workman is entitled to ?”

2. After receipt of the said reference, this Tribunal issued notices to both the parties. Both parties appeared and filed their Vakalat. The matter was posted from time to time for filing the Claim Statement of the petitioner. The claim is not filed. On perusal of the docket sheet from 30-9-96 to 5-2-1997, the petitioner did not evince any interest to prosecute the matter nor Claim Statement is filed. Therefore the reference is closed.

Given under my hand and the seal of this Tribunal, this the 6th day of February, 1997.

V. V. RAGHAVAN, Industrial Tribunal

No oral or documentary evidence is adduced by both the parties.

नई दिल्ली, 26 मई, 1997

का.आ 1598.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुप्रि. इंजीनियर सी पी डब्ल्यू.डी. आगरा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-5-97 को प्राप्त हुआ था।

[सं.एल- 42011/17/89-आई आर (डीयू)]

के वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 26th May, 1997

S.O. 1598.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of

the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Supdt. Engineer, CPWD, Agra and their workmen, which was received by the Central Government on the 26-5-1997.

[No. L 42011/17/89-IR (DU)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

**BEFORE SHRI GANPATI SHARMA, PRESID-
ING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL,**

NEW DELHI

I. D. No. 31/96

In the matter of dispute between :

Shri Ram Babu and Bal Krishan through Central Secretary CPWD Staff Union, E-26, Raja Bazar, D.I.Z. Area, Baba Kharak Singh Marg, New Delhi-110 001.

Versus

Superintending Engineer, CPWD, 416, Mandi Sayyed Khan, Agra-282 001

APPEARANCES :

Shri B. K. Pd. for the workman.

Mrs. Rita Kaul for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L- 42011/17/89-IR. (DU) dated 5-10-1989 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the Supdt. Engineer CPWD Central Circle Agra is justified in terminating the services of S/Shri Ram Babu, S/o, Shri Hari Chand and Bal Krishan S/o. Shri Durga Prasad as Water men w.e.f. 13-11-1987 ? If not, to what relief workmen concerned are entitled to ?”

2. The workmen in their statement of claim have alleged that they were working as Peons and were paid wages on daily basis. Their services were illegally terminated w.e.f. 13-11-1987 and they were appointed on 23-5-1985 and 12-5-1986 respectively. They had completed 240 days of continuous service on the date preceding the date of termination No notice or notice pay or retrenchment compensation was given to them prior to termination. The termination amounted to retrenchment and violative of section 25-F of the I. D. Act and were entitled to be reinstated with full back wages and continuity of service.

3. The management in its reply/written statement alleged that they were not working as Peons. Ram Babu was appointed on purely temporary basis as Water man in the circle office and Bal Krishan was appointed as purely temporary casual worker on hand receipt chargeable to the office contingency. Their services could be terminated at any time without any notice and without any reason. They were

not entitled to wages in the regular scale as they did not come within the purview of section 25-B of the I. D. Act.

4. The Management examined Shri Harish Chander Assistant Surveyor MW-1 while Ram Babu workman appeared as W.W.-1.

5. I have heard the representatives for the parties and have gone through the record.

6. The management representative in his written arguments has only alleged that they were daily rated employees of the management and the terms and conditions of their appointment were contractual in nature so the question of their entitlement for any retrenchment compensation after completing 240 days did not arise. It has also been urged that the case of the workman fall under Section 2(oo)(bb) of the I. D. Act. Since their contract was not renewed so they were not entitled to any retrenchment compensation or reinstatement.

7. The workman representative on the other hand has urged that the management has admitted in its statement that the workman had completed 240 days. No notice was given to them nor any compensation was given at the time of their termination. The case was not covered under section 2(oo)(bb) of the I. D. Act and was a case of appointment and the workmen were entitled to be dealt with like all other employees on completion of 240 days. They were entitled to be regularised or if their services were no longer required the compliance of the provisions of the I. D. Act was compulsory for the management which has not been done in this case.

8. A perusal of the points urged before me by the representative of the parties in written arguments clearly show that the appointment of the workman was not and daily wages but as admitted by Harish Chander a surveyor MW-1 they had completed 240 days of their service. No notice was given to them nor any compensation was paid to them at the time of their termination. If their services were not utilise as Messenger but as a water man as stated by him no difference in the application of the provision of the I. D. Act would take place. The Management was required to give them notice, notice pay or retrenchment compensation as required under section 25-F of the I. D. Act. The Management has clearly violated the provisions of the I. D. Act. The case was not covered under section 2(oo)(bb) as a case of contractual appointment. Action of the management was, therefore, not justified at all. I, therefore, hold that the workmen were entitled to some relief in this case. Since the termination took place in 1987 it would be in the fitness of things and the circumstances of this case by reinstatement. The workmen should be compensated by consolidated payment of money as reinstatement of the workman could create administrative problems after such a long time. It is also not proved that they have remained unemployed since then. I, therefore, order that both the workmen be paid Rs. 20,000/- each in lumpsum for the wrong action of the management within three months of the date of this award failing which the management shall pay interest @12% per annum.

GANPATI SHARMA, Presiding Officer.
14th April, 1997.

नई दिल्ली, 26 मई, 1997

का.आ. 1599.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.सी.ए.आर. ओल्ड गोवा, के प्रबंधकों के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-5-97 को प्राप्त हुआ था।

[सं.एल.-42012/59/89-आई आर (ड्यु.)]
के.वा.बी. उण्णो, डेस्क अधिकारी

New Delhi, the 26th May, 1997

S.O. 1599.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of I.C.A.R. Old Goa and their Workmen which was received by the Central Government on 26-5-1997.

[No. L-42012/59/89-IR (DU)]
K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2,

MUMBAI

PRESENT

SHRI S. B. PANSE

PRESENT :

Reference No. CGIT-2/34 of 1989

Employers in relation to the management of
Indian Council of Agriculture Research
(ICAR), Old Goa

AND

Their Workmen

APPEARANCE :

For the Employer : S/Shri S. V. Kamat,

Smt. Meera Medhekarns, Swati Karpe,
Advocates.

For the Workmen : Shri Subhas Naik, Representative.

Mumbai, dated 30th April, 1997

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012/59/89-IR(DU), dated 18th August, 1989 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of Indian Council of Agricultural Research (ICAR), Old Goa in terminating/discounting the services of Shri Popat P. Gauns, w.e.f. 22nd June, 1988 is justified? If not, to what relief the said workman is entitled to?"

2. The workman has filed a statement of claim at Exhibit-2. It is contended that the Indian Council of Agricultural Research appointed him as a casual labourer on 1-11-86. He was suspended by the employment exchange. He was getting Rs. 13 per day. He initially worked for 45 days w.e.f. 1-1-86. He continued to do the job till 22-6-88. It is averred that he was given compulsory break of about five to eight days after every 45 days work. He pleaded that after completing 21 months he was directed to appear for an interview on 10-6-88 for being regularised in the said post. After the interview he was orally informed to discontinue the work on 22-6-88. The workman pleaded that he has completed 240 days in every year from 1-11-86 to 22-6-88. As such his termination amounts to retrenchment. It is pleaded that he was not given any notice nor retrenchment compensation contemplated under the Act. He therefore submits that his termination is void. He therefore prayed that he may be reinstated in service in continuity alongwith full wages.

3. The management resisted the claim by the written statement Exhibit-6. It is pleaded that it is not an industry contemplated under the Industrial Disputes Act of 1947. It is averred that the worker never completed 240 days in a year as claimed by him. It is denied that his termination is a retrenchment. It is submitted that the provisions of Section 25 of the Industrial Disputes Act of 1947 are not applicable to the present set of fact. It is therefore prayed that the workman is not entitled to any of the reliefs.

4. My Learned Predecessor framed issues at Exhibit-8. I have added additional issue.

The issues and my findings thereon are as follows :—

Issues	Findings
1. Whether I.C.A.R. is an industry?	No.
1A. Whether the termination of services of the workman Shri P. P. Gauns by the employer on 22-6-88 amounted to his retrenchment?	Does not survive.
2. Whether the employer failed to comply with the provisions of Section 25 of the Industrial Disputes Act, while terminating the services of the said workman.	Does not survive.
3. Whether the action of the management of Indian Council of Agricultural Research (ICAR), Old Goa in terminating/discounting the services of Shri Popat P. Gauns, w.e.f. 22-6-88 is justified?	Does not survive.
4. If not, to what relief the said workman is entitled to?	Does not survive.
5. What Award?	As per order.

REASONS

5. At the outset I must mention it here that so far as the issue regarding the Indian Council of Agricultural Research is an Industry or not was remained to be framed by my Learned Predecessor. But such issue was framed by him in a Reference No. 58 of 1988 which was tried and heard alongwith this matter. The representative of the workman was aware of the fact that such issue has to be framed in this matter as there is contention to that effect in the written statement filed by the management. After completing the evidence in Goa in both the matter the matter was posted at Bombay for filing written arguments orally or by post. But the parties failed to do so.

6. The management had produced a true copy of the Judgment in Writ Petition No. 6864 of 1981 which was between the Indian Council of Agricultural Research Society Vs. Labour Tribunal Bareilly and Four Ors. After

perusal of that Judgment it can be said that his Lordships came to the conclusion that Indian Council of Agricultural Research is not an Industry. Nothing is brought on the record to show that how this research institute can be called as an Industry. Relying upon the ratio given in the authority which I have stated above the Indian Council of Agricultural Research is not an Industry. Hence the Tribunal has not jurisdiction to decide the reference. This being the position there is no need to answer the remaining issues.

7. So far as the workman is concerned he expired on 23-1-90 and his legal representative are brought on the record (Exhibit-8A). The question of reinstatement does not arise in the matter. But there is no need to go in other merits of the case. In view of the above stated reasons I record my findings on the issues accordingly and pass the following order :—

ORDER

The Tribunal has no jurisdiction to decide the matter.

The reference is disposed off accordingly.

S. B. PANSE, Presiding Officer

नई दिल्ली, 26 मई, 1997

का.आ. 1600.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस.बी.ओ., टेलीफोन्स मन्चेरियल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिकरण अधिकरण, हैदराबाद के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-5-97 को प्राप्त हुआ था।

[सं. एल-40012/113/95-आईआर (डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 26th May, 1997

S.O. 1600.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SDO, Telephones, Mancharial and their workman, which was received by the Central Government on the 26-5-1997.

[No. L-40012/113/95-IR (DU)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I,
AT HYDERABAD.

PRESENT :

Shri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated : 18th Day of November, 1996.

INDUSTRIAL DISPUTE NO. 75 OF 1996.

BETWEEN :

Shri B. Mohan Krishna, C/o. B. Kondaiah,
Distt. Secy. E IV 41-1-7-6-Goutham
Nagar, 3rd Lane Krishna Lanka, Vijaya-
wada-13 A. P. . . Petitioner.

AND

Sub Divisional Officer, Telephone, Mancharial,
Adilabad A. P. 504 208.

. . Respondent.

APPEARANCES:

None for the Petitioner.

Shri P. Damodar Reddy, Advocate for the Res-
pondent.

AWARD

The Government of India, Ministry of Labour, New Delhi by its order No. L-40012/113/95-IR (DU), dated 30-5-1996 made a reference to this Tribunal under section 10(1)(d) and 2-A of Industrial Dispute Act, 1947 for adjudication of Industrial dispute mentioned in its schedule which reads as follows :—

“Whether the action of the SDO T/Manche-
rial in disengaging the ex-casual Mazdoor
Shri B. Mohan Krishna, amounts to ille-
gal retrenchment? If not to what relief
the workmen is entitled to?”

2. After receipt of the said reference this Tribunal issued notices to both the parties. On 14-8-1996 Shri P. Damodar Reddy, Advocate filed memo of appearance for Respondent. The notice issued to the workman was returned un-served. Hence a notice again was sent to the workmen by regd. post and Under certificate of posting also. This time also regd. cover as well as Under certi-
cate of posting cover was returned with postal endrosment “LEFT” any other addtss of the work-
man is not known to this Tribunal. Hence I. D. is closed for the present and it will be re-opened as and when the workman appears.

Given under my hand and the seal of this Tri-
bunal, this the 19th Day of November, 1996.

V. V. RAGHAVAN, Industrial Tribunal.

No oral or documentary evidence is adduced by
both the parties.

नई दिल्ली, 26 मई, 1997

AWARD

का.आ. 1601—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आई.सी.ए.आर. रिसर्च कॉम्प्लेक्स गोवा के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 मुम्बई के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 26-5-97 को प्राप्त हुआ था।

[सं. एल-42011/4/87-डी-II (बी)]
के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 26th May, 1997

S.O. 1601.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of ICAR Research Complex, GOA and their workman, which was received by the Central Government on 26-5-1997.

[No. L-42011/4/87-D-II(B)]
K.V.B. UNNY, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2.

MUMBAI

PRESENT

SHRI S. B. PANSE

Presiding Officer

REFERENCE NO. CGIT-2/58 OF 1988
EMPLOYERS IN RELATION TO THE
MANAGEMENT OF

I.C.A.R. Research Complex for Goa

AND

Their Workman

APPEARANCE :

For the Employer : S/Shri S. V. Kamat,
Smt. Meera Medhekar & Miss. Swati
Karpe Advocates.

For the Workmen : Shri Subhas Nai, Re-
presentative.
MUMBAI, dated 30th April, 1997.

The Government of India, Ministry of Labour by its order No. L-42011/4/87-D-II-(B), dated 27-12-88, had referred to the following Industrial Dispute for adjudication.

“Whether the management of ICAR Research Complex for Goa, (CPCRI) are justified in refusing to regularise the services of S/Shri Kishore Kenkar, and Uttam Anant Fernandes? If not, to what relief are the workman entitled to and what directions are necessary in this respect?”

2. The workman filed a statement of claim at Exhibit-4. It is contended that Kerkar joined ICAR Research Complex on 2-6-80. Fernandes joined in April 1981. There are different classifications as Mazdoors, Casual workman, casual permanent workman etc. These two workmen were classified as a permanent casual worker. It is averred that they have completed more than 240 days in every year. But their services were terminated without giving any notice or any compensation. They raised an Industrial Dispute alongwith others where in it is promised that they will be reinstated inservice but instead of doing so their juniors were made permanent and they were not given job. It is prayed that the employer may be directed to reinstate them in service with other benefits.

3. The management filed their written statement at Exhibit-2. It is pleaded that Indian Council of Agricultural Research is not an Industry under section 2(j) of the Industrial Disputes Act of 1947. It is therefore the Tribunal has no jurisdiction to decide the matter. It is averred that these workmen never completed 240 days in a year and as such the provisions of retrenchment had not application. It is pleaded that the management had decided the same criteria for absorbing casual labourers in the ‘B’ category. But these workmen did not qualify the same. It is submitted that these workmen are not entitled to any relief as claimed.

4. The workmen filed a rejoinder and reiterated their claim.

5. My Learned Predecessor framed issues at Exhibit-6. The issues and my findings there on are as follows :—

Issues	Findings
1. Whether the Indian Council of Agricultural Research Complex (I.C.A.R.) for Goa (C.P.C.R.I) is an industry within the meaning of Section 2(j) of the Industrial Disputes Act?	No.
2. Whether the two workmen in question have completed 240 days of service during a period of 12 months for two years?	Does not survive.
3. Whether the said management terminated the services of the said two workmen, or whether they themselves stopped attending to their work from 4-12-1986 and 2-9-1987?	Does not survive
4. Whether the management of ICAR Research Complex for Goa (CPCRI) are justified in refusing to regularise the services of Shri Kishore Kerkar and Shri Uttam Anant Fernandes?	Does not survive
5. If not, to what relief are the workman entitled and what directions are necessary in this respect?	Does not survive.
6. What Award?	As per final order.

REASONS

The management had relied upon the decision given in Writ Petition No. 6864 of 1981 by His Lordship of Allahabad High Court. That was a case between the Indian Council of Agricultural Research Vs. Labour Tribunal and four Ors. His Lordships came to the conclusion that the said institute is not an Industry. Nothing is brought on the record to show that it is an industry. Under such circumstances relying upon the ratio given in the said authority it is to be said that this research in-

stitute is not an Industry. Therefore the dispute which is referred relating to it cannot be said to be an Industrial dispute. As it is not an industry the Tribunal has no jurisdiction to decide the reference.

7. Kishore Kerkar and Uttam Fernandes the workmen have examined themselves at Exhibit-9 and 12 Balbati (Exhibit-13) Farm Superintendent lead evidence on behalf of the management. There are various documents on the record to show the working days of these workman. But as I have come to the conclusion that the Indian Council of Agricultural Research is not an Industry it is not necessary to go into details of these facts. Under such circumstances I record my findings on the issues accordingly and pass the following order :—

ORDER

The Tribunal has no Jurisdiction to decide the reference.

The reference is disposed off for want of Jurisdiction.

S.B. PANSE, Presiding Officer

नई दिल्ली, 29 मई, 1997

का०आ० 1602.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीनियर सुपरिन्टेंडेंट पोस्ट ऑफिसों के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-97 को प्राप्त हुआ था।

[सं० एल०-40012/112/91-डी 2(बी)]
के०वी०बी० उण्णी, डैस्क अधिकारी

New Delhi, the 29th May, 1997

S.O. 1602.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sr. Supdt. of Post Offices, Kota and their workmen, which was received by the Central Government on 29-5-1997.

[No. L-40012/112/91-D.2(B)]
K.V.B. UNNY, Desk Officer

अनुबंध

न्यायाधीश औद्योगिक न्यायाधिकरण कोटा/केन्द्रीय/राज०

निर्देश प्रकरण क्रमांक : श्री० न्या० (केन्द्रीय) 2/92

दिनांक स्थापित : 16/3/92

प्रसंग : भारत सरकार श्रम मंत्रालय नई दिल्ली के आदेश

[संख्या एल० 40012/112/92 डी 2 (बी)]

दिनांक 6-3-92

औद्योगिक विवाद अधिनियम, 1947

मध्य

रमजानी खां पुत्र श्री अली मोहम्मद निवामी सुनेल

आलावाड़ ।

---प्रार्थी श्रमिक

एवं

सीनियर सुपरिन्टेंडेंट पोस्ट ऑफिसर कोटा

---प्रतिपक्षी नियोजक

उपस्थित

श्री आर० के० वाचान

आर० एच० जे. एस०

प्रार्थी श्रमिक की ओर से प्रतिनिधि :—श्री एन० के. सिवारी
प्रतिपक्षी नियोजक की ओर से प्रतिनिधि :—श्री सी० बी० मोरग
अधिनिर्णय दिनांक 28-4-97

अधिनिर्णय

भारत सरकार श्रम मंत्रालय नई दिल्ली द्वारा निम्न
निर्देश औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त
“अधिनियम से संबंधित किया जायेगा”) की धारा 10 (1)
(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ
सम्प्रेषित किया गया है :—

“Whether the action of the Sr. Supdt. of Post
Offices, Kota in terminating the services
of Shri Ramjani Khan, S/o. Ali Mohd.,
ED worker under Sub-Post Master, Sunel
Thalawan, Rajasthan w.e.f. 5-11-1987 is
justified? If not, what relief he is enti-
tled to?”

2. निर्देश न्यायाधिकरण से प्राप्त होने पर दर्ज रजिस्टर
किया गया व पक्षकारों की सूचना जारी की गयी। प्रार्थी
श्रमिक रमजानी खां की ओर से क्लेम स्टेटमेंट प्रस्तुत कर
संक्षेप में तथ्य इस प्रकार अंकित किये गये हैं कि प्रार्थी
को सीनियर सुपरिन्टेंडेंट पोस्ट ऑफिसर कोटा द्वारा
दिनांक 1-1-75 से ई०डी० पैकर के पद पर नियोजित
किया गया था। प्रार्थी को प्रतिपक्षी नियोजक ने दिनांक 5-11-87

से अचानक बिना कोई कारण बताये व बिनाये किसी सूचना
के नौकरी से हटा दिया। प्रार्थी ने प्रतिपक्षी के यहां 1-1-75
से 4-11-87 तक निरन्तर कार्य किया। इस अवधि में वर्ष-
वर्षी प्रार्थी को नौकरी से हटा दिया जाता था। व कुछ
दिन बाद वापस नौकरी पर लवा लिया जाता था ताकि
प्रार्थी का कानूनन हक नहीं बन सके। प्रतिपक्षी नियोजक
के यहां सन् 1979 में चार पद रिक्त हुए थे। नियोजक
ने प्रार्थी के बजाय अन्य नये व्यक्तियों को नियुक्ति कर
लिया। जो नये व्यक्ति नियोजित किये वे इसरायल मनोहर
लाल हनीफ खां एवं विष्णु कुमार बगैरह हैं। इनमें से
इसरायल अब पोस्टमैन बन गया है। प्रतिपक्षी नियोजक ने
प्रार्थी के स्थान पर उसे नौकरी से निकालने के बाद शाशिर
नाम का श्रमिक सेवा नियोजित किया है। प्रार्थी को पुनः
नियोजन हेतु अवसर नहीं दिया, अतः नियोजक ने धारा
25 एफ अधिनियम का उल्लंघन किया है। प्रार्थी की ओर
से अन्त में प्रार्थना की गयी है कि उसे पिछले सम्पूर्ण वेतन
व सेवा के समस्त लाभों सहित पुनः सेवा में लिये जाने के
आदेश दिये जावे।

3. प्रतिपक्षी नियोजक ने अपने जवाब में यह अंकित
किया है कि प्रार्थी कभी भी प्रतिपक्षी के नियोजन में नहीं
रहा है। विशेष आपत्तियों में अंकित किया है कि प्रार्थी को
भवानीमण्डी उपखंड सुनेल के पोस्ट ऑफिस में कभी भी
किसी भी पद पर नियुक्त नहीं किया और न ही उसने कोई
वेतन प्राप्त किया। प्रार्थी ने 12 वर्ष तक कार्य करना मज-
बूत बतलाया है। प्रार्थी ने प्रतिपक्षी के कार्यालय में कोई
आवेदन पत्र नहीं दिया और न ही प्रतिपक्षी ने कोई आवेदन
मंगवाया। प्रतिपक्षी का विभाग केन्द्र सरकार द्वारा संचालित
है ऐसी सूरत में जो भी नियुक्तियां होती हैं वे नियमानुसार
विरूपित हो जाकर होती हैं। सन् 84 के बाद आज तक
कोई नियुक्ति प्रार्थी की भवानीमण्डी उपखंड में नहीं हुई।
प्रार्थी जब 12 वर्ष से डाकघर में काम कर रहा था तो
उसने रोजगार कार्यालय में अपना पंजीयन क्यों रखा और
उसका नवीकरण क्यों करवाया, इसमें स्पष्ट है कि प्रार्थी
रोजगार पर नहीं रहा है। प्रार्थी को केवल अस्थायी
अवकाश व्यवस्था के दौरान कर्मचारियों के छुट्टी जाने के कारण
कार्य पर रखा गया था अतः प्रार्थी का क्लेम खारिज किया जावे।

4. प्रार्थी रमजानी खां ने साक्ष्य में अपना शपथ-पत्र
प्रस्तुत किया है जिससे प्रतिपक्षी प्रतिनिधि ने जिरह की है।
प्रतिपक्षी नियोजक की ओर से इनायत अली व दूधालाल
के शपथ-पत्र प्रस्तुत हुए हैं जिनसे श्रमिक प्रतिनिधि ने जिरह
की है। बहस अन्तिम सुनी गयी व पत्रावली का अवलोकन
किया गया।

5. प्रार्थी की ओर से यह बहस की गयी है कि प्रार्थी
ने प्रतिपक्षी के यहां सन् 75 से 87 तक बीच-बीच की
अवधि में निरन्तर कार्य किया है उसके बावजूद भी प्रार्थी
को प्रतिपक्षी ने धारा 25 एफ अधिनियम की पालना किये
बगैर नौकरी से निकाला है इसलिए प्रार्थी को प्रतिपक्षी
के यहां पिछले सम्पूर्ण वेतन व समस्त लाभों सहित पुनः
सेवा में बहाल किया जावे।

6. प्रतिपक्षी नियोजन की ओर से विद्वान प्रतिनिधि ने यह बहस की है कि प्रार्थी को प्रतिपक्षी ने कोई नियुक्ति नहीं दी केवल मात्र स्थायी कर्मचारियों के छुटी जाने के समय कुछ-कुछ समय के लिए प्रार्थी को नौकरी पर अस्थायी तौर पर रखा गया था। प्रार्थी अधिनियम की धारा 25 एफ का फायदा प्राप्त करने का अधिकारी नहीं है क्योंकि प्रार्थी के मामले में अधिनियम के प्रावधान लागू नहीं होते। प्रतिपक्षी के विद्वान प्रतिनिधि ने अपनी बहस की ताईद में "1996 लेब०आई०सी० 1059-सबडिवीजनल इस्पेक्टर आफ पोस्ट बेकाम बनाम थेयम जोसक" की नजीर प्रस्तुत की है।

7. प्रार्थी रमजानी खां ने अपने शपथ-पत्र की जिरह में यह स्वीकार किया है कि यह बात सही है कि जिन कर्मचारियों के बचले में कार्यरत हुआ था वो स्थायी श्रमिक थे। मेरे साथ के अन्य श्रमिक अभी भी कार्य कर रहे हैं।

8. प्रतिपक्षी के गवाह इनायत अली ने शपथ-पत्र की जिरह में यह स्वीकार किया है कि रमजानी खां ने ई०डी० पैकर का काम एवजीके रूप में किया था। यह सही है कि रमजानी खां को नौकरी से हटाने के बाद नये लोग नियुक्त किये हैं परन्तु उसकी नियुक्ति नियमानुसार की गयी है। प्रतिपक्षी के दूसरे गवाह दुधालाल ने भी प्रार्थी द्वारा प्रतिपक्षी के यहाँ एवजी श्रमिक के रूप में काम करना कहा है।

9. उक्त साक्ष्य के विश्लेषण से स्पष्ट है कि प्रार्थी ने प्रतिपक्षी के यहाँ अपने नियोजन काल में 1-1-75 से 5-11-87 के बीच स्थायी श्रमिकों के छुटी पर जाने के एवज में बीच-बीच में कार्य किया है। प्रतिपक्षी के विद्वान प्रतिनिधि ने "1996 लेब०आई०सी० 1059 की जो नजीर प्रस्तुत की है उसके अनुसार माननीय सर्वोच्च न्यायालय ने यह सिद्धांत प्रतिस्थापित किया है कि पोस्ट एण्ड टेली-ग्राफ डिपार्टमेंट "उद्योग" की परिभाषा में नहीं आता इसलिए इस विभाग में कार्य करने वाले श्रमिकों को और विवाद अधिनियम, 1947 का फायदा नहीं दिया जा सकता।

10. इस प्रकार चूंकि माननीय सर्वोच्च न्यायालय द्वारा उक्त नजीर में यह सिद्धांत स्पष्ट रूप से प्रतिपादित कर दिशा गया है कि प्रतिपक्षी विभाग "उद्योग" नहीं माना जा सकता एवं प्रतिपक्षी विभाग पर अधिनियम, 1947 के प्रावधान लागू नहीं हो सकते। ऐसी सूरत में प्रार्थी ने प्रतिपक्षी विभाग में यदि सन् 75 से 87 के बीच एवजी श्रमिक के रूप में कार्य किया है तो वह अधिनियम के प्रावधानान्तर्गत उक्त नजीर में प्रतिपादित सिद्धांत के अनुसार मेरी विनम्र राय में अधिनियम के प्रावधानान्तर्गत कोई लाभ प्राप्त करने का अधिकारी नहीं है। अतः प्रार्थी चूंकि अधिनियम के प्रावधानान्तर्गत फायदा प्राप्त नहीं कर सकता इसलिए इस न्यायाधिकरण को प्रार्थी के मामले में अधिनियम के तहत कोई फायदा दिलाने की अधिकारिता प्राप्त नहीं है। प्रार्थी यदि चाहे तो सामान्य नियमों के तहत प्रतिपक्षी के विरुद्ध अनग से कार्यवाही कर सकता है। उक्त विवेचन

स्वरूप भारत सरकार श्रम मंत्रालय नई दिल्ली द्वारा सम्प्रेषित निर्देश को इसी प्रकार उत्तरित किया जाता है।

इस अधिनिर्णय को समुचित सरकार को नियमानुसार प्रकाशनार्थ भिजवाया जावे।

आर० के० चापान, न्यायाधीश

नई दिल्ली, 29 मई, 1997

का. आ. 1603.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण महाराष्ट्र के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 20/5/97 को प्राप्त हुआ था।

[सं. एल० 410/2112/94-आई आर (बी I)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 29th May, 1997

S.O. 1603.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Maharashtra as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway and their workman, which was received by the Central Government on the 20-5-97.

[No. L-41012/12/94-IR(B-I)]

K. V. B. UNNI, Desk Officer

ANNEXURE

BEFORE SHRI S. G. KADAM, INDUSTRIAL TRIBUNAL, AT PUNE

Reference (IT) No. 8/1996

BETWEEN

Divisional Railway Manager,
Central Railway,
Solapur.

....FIRST PARTY.

AND

Shri Mukund Narayan Deshmane,
At Post : Saswad (Sali Ali).
Taluka : Purandar,
District : Pune.

....SECOND PARTY.

In the matter of : Reinstatement with continuity of service and full back wages.

PRESENT :

Shri S. G. Kadam, Industrial Tribunal, Pune.

APPEARANCES :

Shri R. D. Deharin, Advocate for the First Party.

Shri R. D. Shaligram, Advocate for the Second Party.

AWARD

This is a reference forwarded by the Central Government of India as per sub-section (d) 10 of Section 14 and sub-sections 2 and 3 of Section 10 of Industrial Disputes Act, 1947 for adjudication.

2. Accordingly, the notices were issued as per law and the Second Party had filed Statement of Claim and First Party has filed Written Statement. The parties have also filed the documents in support of their contentions in Statement of Claim and Written Statement respectively.

3. The Second Party has contended in Statement of Claim at Exhibit U-4 that, the First Party is a authority of the Central Railway. The Second Party is a workman working with the First Party since 3rd July, 1980 as a Commercial Clerk. The First Party terminated the services of the Second Party on 31-5-86. His last drawn wages was Rs. 800 per month. Therefore, the Second Party approached the First Party by way of appeal as per the procedure but, no relief was given and therefore, he has no alternative to approach before Assistant Labour Commissioner in 1990.

4. The Settlement is not possible due to adamant view of the First Party. Therefore, the Government referred the matter to Hon'ble Tribunal for adjudication. In the year 1982 the Second Party workman was transferred to Shahabad as T.R.C. (Train Reliever Clerk) and then transferred to Daund on 6-4-1984 as Jr. Clerk in C & W Department (Carriage and Wagon Department) and again transferred to Ghorpadi on 17-12-1984. On 2-9-1985 First Party issued chargesheet to the Second Party and demanded explanation for the absenteeism. Therefore, the Second Party submitted his explanation on 3-3-1986. The First Party was satisfied with he same and asked him to join duties. Accordingly, the Second Party joined the duties on the same day i.e. on 3-3-1986. He was in the service till 31-5-1986 i.e. till his services were terminated. On 25-4-86 all of sudden when Second Party was on duty he was called upon by Shri Hiramath. Office Supdt. and asked to sign the papers. When Second Party asked the reasons for obtaining signatures on documents. Shri Hiramath told the Second Party that, this is nothing but a formality. Second Party then worked continuously till 31-5-1986. On 31-5-1986 First Party submitted termination letter dated 21-5-1986 to the Second Party as workman and terminated his services illegally without following any procedure of law. Therefore it is proved that; Hon'ble Court may be pleased: To declare that the termination of the Second Party workman is illegal. To direct the First Party to reinstate the Second Party with continuity of service and full back wages. To award cost of this reference.

5. The First Party while filing Written Statement at Exhibit C-5 has contended that, the claim of the Second Party is based on misconceived facts he has made this claim by suppressing many material facts and circumstances and approached this court with unclean hands. In this connection it is submitted that according to section 12 of the I.D. Act, the conciliation officer has to settle the dispute amicably and if no such settlement is arrived at, he should send failure report alongwith his opinion to the appropriate Government. But in this instant case the A.L.C.(C). Pune in flagrant violation of all the relevant Rules and without giving natural opportunities to the First Party and in spite of several attendance of First Party, as could be seen from records, recorded failure report and send it to Ministry of Labour. Copy of the minutes of meeting in regard to participation of the First Party in the proceedings is attached to for the kind perusal as Annexure-A. The action of the A.L.C.(C). Pune is in violation and contravention of all the statutory Rules on the subject, and as such liable to be discarded and/or dismissed.

6. Shri H. N. Deshmane, while working as Jr. Clerk was taken up under Discipline and Appeal Rules for remaining unauthorisedly absent from duty and after following the D.A.R. proceedings he has been removed from service by the Disciplinary Authority as permissible under the Rules. The Appellate Authority to whom an Appeal was preferred by the Second Party also upheld the punishment imposed by the Disciplinary Authority, after considering his appeal, as having been taken the decision after following the Rules on the subject in letter and spirit. Shri M. N. Deshmane has submitted Revision Petition against the orders of Appellate Authority. When the matter was submitted by the Second Party before Revisionary Authority, before its final decision by that Authority, he has approached the A.L.C. before exhausting the normal channel, which is against the Rules, and on this account alone his application is liable to be dismissed.

7. The Revision Petition was pending due to non-Co-operation of the Second Party. This fact was brought to the notice of A.L.C. (C) Pune on 28-7-93 and 18-8-1993, whereas the fact was concealed by the Second Party vide Letter No. A.L.C. (P)-8(12)91/S of 9-11-1993, A.L.C. (C) Pune has fixed the conciliation Proceedings on 23-11-93. But the same letter was received in the Office of First Party on 24-11-93 and so the First Party could not attend Conciliation Proceedings on 23-11-93. The A.L.C. (C) Pune recorded the F.O.C. report by taking Ex-Parte decision on 23-11-1993. In as much as this being the position. Instead of giving one more chance to the First Party, the A.L.C. (C) Pune had gone to record F.O.C. Report is a clear evidence that he was prejudiced against First Party and hence it is requested that his report be treated as null and void and the case be dismissed. It is denied that the First Party has terminated the service of the Second Party. In fact he was removed from the service after following D.A.R. Procedure. The Second Party approached to A.L.C. (C) Pune at Premature stage without exhausting departmental remedies, it is not correct to say that the settlement was not possible for adamant act by the First Party. In fact the Second Party has not co-operated to make Service Register recast to finalise the revision Petition under Rules A.L.C. (C) Pune ignoring the important fact, that the matter was still before ex-parte without giving opportunity to hear the first party. It is a fact that the second Party was working as commercial Clerk since 1980 and transferred subsequently to Ghormadi on 17-12-1984. That the First Party has followed the procedures as per Rules. After conducting enquiry the Competent Authority has arrived at the decision to remove the Second Party from service. The allegations of Second Party that his signature were obtained in the manner as stated is baseless. He is a literate Class III employee and can not disown his action as it being done. The Second Party is misleading to this Honourable Court by making false statements. The fact is that the Second Party has been removed from service after following due procedures of Rules and not terminated the services illegally and without following procedures of Rules as alleged by the Second Party, the First Party submits that this Honourable Court will be pleased to dismiss the claim filed by the Second Party as it is baseless, misconceived, suppressing the real facts, and he has approached this Court with unclean hands.

8. From the rival pleadings of the parties, the following issues are framed and I have answered against them accordingly :—

ISSUES

FINDINGS.

- | | |
|--|-------------------------|
| (1) Does the Second Party prove that order dated 28-5-1986 either termination or removal is against the provisions of law & the said order is bad in law ? | In the affirmative. |
| (2) Does the Second Party proves that the Second Party is entitled to be reinstated in his original post with continuity of service and backwages from the date of termination/removal ? | ... In the affirmative. |
| (3) What order ? | ... As per final order. |

9. REASONS :

The elaborate arguments have been submitted by the parties. The Second Party has examined himself at Exh. UW-1 and thereafter, has closed his evidence by filing suris at Exhibit IL-7. The First Party has not led oral evidence. However, the First Party has filed suris and has closed its evidence. The First Party has filed documents alongwith list at Exh. C-5 and C-7. At Exhibit C-5/1 is enquiry findings and enquiry proceedings.

10. ISSUE NOS 1 and 2 :—The Advocate for the Second Party-Shri R. P. Shaligram has argued that, the First Party has not conducted the Domestic Enquiry according to procedure of law and the First Party has violated the

principle of natural justice. The First Party has not produced original enquiry proceedings and Service Book. The same is not proved by examining the witnesses six pages findings are not produced and has prayed reinstatement with continuity of service and backwages. On the contrary, the Advocate for the First Party while resisting the submissions of the Advocate for the Second Party argued that, the claim of the Second Party is based on the misconceived facts and has made this claim by suppressing many material facts and circumstances and approached this Court with unclean hands. In this connection, it is submitted that, according to Section 12 of the Industrial Disputes Act, the Conciliation Officer has to settle the dispute amicably and if no such settlement is arrived at, he should send future report along with his opinion to the appropriate Government. But, in this instant case the A.L.C. (C) Pune is flagrant violation of all the relevant Rules and without giving natural opportunities to the First Party and inspire or several attendance of First Party, as could be seen from records, recorded future report and send it to Ministry of Labour. Xerox copy of the minutes or noting in regard to participation of the First Party in the proceedings is attached to for the kind perusal as Annexure-A. The action of the A.L.C. (C) Pune is in violation and contravention of all the statutory Rules on the subject, and as such liable to be discarded and/or dismissed.

11. Shri M. N. Deshmane, while working as Jr. Clerk was taken up under Discipline and from duty and after following the D.A.R. proceedings he has been removed from service by the Disciplinary Authority as permissive under the Rules. The Appellate Authority to whom an Appeal was preferred by the Second Party also upheld the punishment imposed by the Disciplinary Authority, after considering his appeal, as having been taken the decision after following the Rules on the subject in letter and spirit. Shri M. N. Deshmane has submitted Revision Petition against the orders of Appellate Authority. When the matter was submitted by the Second Party before Revisionary Authority before its final decision by that Authority, he has approached the A.L.C. before exhausting the normal channel which is against the Rules, and on this account alone his application is liable to be dismissed. The Revision Petition was pending due to non-Co-Operation of the Second Party. This fact was brought to the notice of A.L.C. (C) Pune on 28-7-93 and 18-8-93, whereas the fact was concealed by the Second Party, vide letter No. A.L.C. (P)-8(12)/91/S of 9-11-93, A.L.C. (C) Pune has fixed the conciliation proceedings on 23-11-93. But the same letter was received in the Office of First Party on 24-11-93. The A.L.C. (C) Pune recorded the F.O.C. report by taking Ex-parte decision on 23-11-93. In as much as this being the position, instead of giving one more chance to the First Party, the A.L.C. (C) Pune had gone to record F.O.C. Report is a clear evidence that he was prejudiced against First Party and hence it is requested that his report be treated as null and void and the case be dismissed.

12. Shri M. N. Deshmane was removed from service after initiating D.A.R. procedures and only after he exhausts all the channels laid down in the D.A.R. that he can approach Authority under I.D. Act or competent authority, for redressal of grievances if any. In this case, as already stated, he has violated this important factor, and as such, his application is liable to be dismissed. It is denied that the First Party has terminated the service of the Second Party. In fact he was removed from the service after following D.A.R. Procedures. The Second Party approached to A.L.C. (C) Pune at premature stage without exhausting departmental remedies. It is not correct to say that the settlement was not possible for adamant act by the First Party. In fact the Second Party has not Co-operated to make service Register recast to finalise the revision Petition under Rules A.L.C. (C) Pune ignoring the important fact, that the matter was still before the Revisionary Authority, had given failure report ex-parte without giving opportunity to bear the First Party. It is a fact that the Second Party was working as commercial Clerk since 1980 and transferred subsequently to Ghorpari on 17-12-1984. That the First Party has followed the procedures as per Rules. After conducting enquiry the Competent Authority has arrived at the decision to remove the second party from service. The allegations of

Second Party that his signature was obtained in the manner as stated is baseless. He is a literate Class III employee and can not disown his action as it being done. The Second Party is misguiding to this Honorable Court by making false statements. The fact is that, the Second Party has been removed from service after following due procedures of Rules and not terminated the services illegal and without following procedures of Rules as alleged by the Second Party. The First Party submit that, this from the Court will be pleased to dismiss the claim filed by the Second Party as it is baseless, misconceived suppressing the real facts and he has approached this Court with unclean hands.

13. He has therefore, placed reliance on the case reported in (1994) 21 Administrative Tribunal Cases 149-State Bank of India and another versus Samarendra Kishore Endon and another, wherein it is held that :—

"A Departmental Enquiry—Punishment—Judicial review—Scope—field, High Court, Administrative Tribunal cannot interfere if punishment has been imposed after holding enquiry—If it is considered that, the punishment imposed is harsh, the proper course is to remit the case back to the Appellate or the Disciplinary Authority—further held, scope of judicial review of punishment in cases where enquiry has been held is different from the cases where no enquiry has been held."

The First Party also relies on the following case laws :—

- "(1) Indian Riv. Estt. Manual Chapter XV,
- (2) The Riv. Servants (Dis. & Appeal) Rules 1968,
- (3) State Bank of India Vs. Samarendra Kishore Endon & another (1994) 27 ATC-149,
- (4) Joginder Chand V. Punjab State Elec. Board 995 (70) FLR 529 (P&H)—1994 11 LLJ 113."

The Advocate for the First Party has also placed reliance on (b)—The Railway Servants (D.A. & Appeal) Rules, 1968—Clause 5. The Clause 1968 (A) of Rule 6 should be imposed on the railway servant, it shall not be necessary to give the Railway servants any opportunity of making representation on the penalty proposed to be imposed.

14. In view of the submissions and ratios laid down in reported cases and the Railway Servants (D.A. & Appeal) Rules, 1968; I have scanned oral and documentary evidence on record. Admittedly, the allegations are levelled in chargesheet in case of the absenteeism without prior permission of the Superiors of the First Party. However, on perusal of xerox copy of the findings and enquiry proceedings filed at Exhibit C-5/1, which are not proved by leading oral evidence and it is pertinent to note that, the xerox copies are not admitted unless the original are certified with the xerox copy or unless original documents are filed on record. It is strange to note that, in Enquiry Report dated 28-4-1986, one Enquiry Officer—Shri Hiramath, Office Supdt. has submitted Enquiry report and on page 2 he has contended that, Reasons for Findings—"Shri. D. S. Chandane JFI(D) has stated that, his work was not satisfactory and was absented from duty since he was booked on shift duty. All clerks are suppose to do the duties as per the instructions from their Superiors. Shri. M. N. Deshmane did not obey the orders of his Supervisor and remained absent from 15-2-1986 to 3-3-1986 when he was ordered to work as Fuel Issuer on shift duties. On the contrary, it is the allegation levelled in chargesheet i.e. Brief history "Shri. M. N. Deshmane was absent for 0 to 8 Hrs. duty from 14-2-1985 to 3-3-86, as per endorsement of JFI/DSL on a report of Shri. Listerdon (Fuel Issuer) dt. 14-2-85. Charge Memo on SF-11 for Minor Penalty was prepared on 25-3-85 for the above absence and the same was not served on the party since he continued to be absent." So, basically the Enquiry Officer has not applied his mind at all which concludes the findings. It is well settled law that, the Enquiry Officer has to follow the procedure as laid down in the reported cases i.e. Union of India Vs. T. R. Verma I.R. 1957 S.C. 882 (885) 1959 S.C.R. 499.

The Supreme Court has considered the question in several decisions regarding what does the expression "reasonable opportunity" means? The generally accepted view has been that, rules to decide whether or not the workman charged has had a reasonable opportunity. The only general statement that can be safely made is that, before the workman is dismissed by way of discharge or dismissal: (1) An enquiry should have been held in accordance with the rules or natural justice; (ii) the enquiry should be conducted fairly and properly. The reasonable opportunity is to be given in two stages—(1) At the stage of enquiry, (ii) when the enquiry has been closed and the competent authority has tentatively fixed the punishment. In *Khemchand Vs. Union of India* A.I.R. 1959 S.C. 300 (306)—1958 S.C.R. 1080—*Jagannath Prasad Vs. State of U.P.* A.I.R. 1961 S.C. 1245—(1962) 1 S.C.R. 151—The Supreme Court has said that, reasonable opportunity envisaged to the delinquent includes—

- (i) An opportunity to deny his guilt and establish his innocence which he can only do if, he is told what the charges levelled against him are the allegations on which such charges are based.
- (ii) An opportunity to defend himself by cross-examining the witness in support of his defence and finally.
- (iii) An opportunity to make his representation as to why the proposed punishment should not be inflicted on him which he only do, if the competent authority after the completion of the enquiry, applies his mind to the gravity or otherwise of the charges proved against him tentatively proposes to inflict the punishment and communicate the same to the delinquent. Where the workman was served with chargesheet an enquiry was held on the basis of the report of the Enquiry Officer, he was served with the order of the report of the Enquiry Officer, he was served with the order of the dismissal the next day.

The workman challenged the validity of dismissal order on the ground that, he had not been supplied with the copy of Enquiry Officer report and no opportunity was given to him against the action proposed to be taken in regard to him. The denial of the further opportunity to show cause as to why the particular punishment should not be inflicted on him amounts to principles of natural justice.

13. In the instant case preliminary statement is not recorded. *Shri. Listergeon (Fuel Issuer)*—Reporter on which basis a chargesheet is issued. *Shri D. S. Chandene IFI (D)* has not been firstly examined and they were not offered for cross-examination to the Second Party, and there are no proceedings on record to that effect. On the contrary, it appears from the enquiry proceedings that, the Enquiry Officer has put questions to the Second Party in all six questions and has obtained signatures of the Second Party. The First Party has relied upon—*Indian Rly. Estt. Manual Chapter XV & The Rly. Servants (DA & Appeal) Rules, 1968*. The same amounts ultra vires and the same is against the ratio laid by Their Lordship Supreme Court in reported cases referred above. The First Party has relied upon (1994) 27 A.T.C. 149. The facts of that case and present case are different and the same is not applicable. The Second Party has re-iterated the contentions. Nothing has been brought on record, any contradictions from the mouth of the Second Party. However, it is an admitted position that, the Second Party remained absent unauthorisedly. So, the Second Party should not take disadvantages of his guilt. Nothing has been brought on record to show that, the Second Party was engaged in gainful employment as the First Party has not proved enquiry proceedings and gainful employment as the First Party has failed to examine any witness. However, if half backwages are granted with continuity of service, it will meet the ends of justice as the enquiry held against the Second Party is totally defective and the same amounts to violation of principles of natural justice. Secondly, the punishment which is inflicted, amounts shockingly disproportionate and economic death.

16. From the above discussions, I hold that, the First Party has illegally conducted the enquiry against the Second Party and the order of removal dated 28-5-1986 is bad in law. As well as the Second Party is entitled for reinstatement in his original post with continuity of service and half backwages. Hence, I answer Issue Nos. 1 and 2 in the affirmative.

17. In the result, I proceed to pass the order.

AWARD

- (1) Reference (IT) No. 8/1996 is allowed.
- (2) The First Party is directed to reinstate the Second Party in his original post with continuity of service and with half backwages w.e.f. date of termination i.e. 31-5-1986 till the date of reinstatement.
- (3) The First Party shall implement this Award within Three Months from the date of passing Award.
- (4) No order as to cost.

PUNE.

S. G. KADAM, Industrial Tribunal

नई दिल्ली, 29 मई, 1997

का.आ. 1604. औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद नं. 1 के पंचाट को प्रकाशित करती है केन्द्रीय सरकार को 20-5-97 को प्राप्त हुआ था।

[सं. एल 12011/1/88-डी II(ए)/आई आर (बी III)]
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 29th May, 1997

S.O. 1604.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad No. 1, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.B.I. and their workman, which was received by the Central Government on 20-5-1997.

[No. L-12011/1/88-D.II (A)/IR (B-III)]
K. V. B. UNNI, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

PRESENT :

Shri T. Prasad, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 142 of 1991

PARTIES :

Employers in relation to the management of State Bank of India, Patna and their workmen.

APPEARANCES :

On behalf of the workmen—Shri G. K. Verma, General Secretary, State Bank of India Employees Union.

On behalf of the employers—Shri A. K. Gupta, Authorised representative.

STATE : Bihar

INDUSTRY : Banking

Dhanbad, the 15th May, 1997

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12011/1/88/D.II (A)/I.R. (B-III) dated, the 29th November, 1991.

SCHEDULE

"Whether the management of State Bank of India was justified in terminating the services of the under-mentioned workmen w.e.f. 5-3-86 ? If not, to what relief the workmen were entitled to ?"

NAMES OF WORKMEN

1. Shri Suresh Thakur.
2. Shri Ram Nandan Prasad.
3. Shri Jogendra Rajak.
4. Shri Rajkishore Sharma.
5. Shri Kanhai Prasad.
6. Shri Raju Prasad.
7. Shri Om Prakash Yadav.
8. Shri Binay Mishra.
9. Shri Shiva Shankar Prasad.
10. Shri Shiva Shankar Pal.
11. Shri Mohammad Suleman.
12. Shri Dinesh Prasad Sinha.
13. Shri Jayshree Yadav.

2. The workmen and the sponsoring union have appeared and filed W.S. stating therein that the concerned workmen were appointed with the management from 1979 to 1984 specific date of initial appointment being given vide para-2 of the W.S. and that they were working as full time Messenger against permanent posts at Patna branch. But they were being paid wages @ Rs. 5 per day in the beginning later it was increased to Rs. 7 per day from October, 1981 except Sunday and Holidays. It is also said that before September, 1983 the wages was paid to the workmen directly and sometimes in the name of different persons and they were sent out side for banking activities conveyance wages were given to them. It is further said that the concerned 13 workmen were working under direct control of the officers/clerical staff of Patna branch. It is also said that to avoid claim of the workmen for permanent and regular job in Class IV a fake organisation M/s. Project Engineering Construction was set up by the management and the workmen were being paid through this contractor @ Rs. 10.50 per day and the contractor was paid Rs. 1 per person per day as commission. But no such contractor firm was registered under the provisions of Contract Labour (Regulation and Abolition) Act, 1970 nor the management had granted any licence to employee such contractor under the Act. It is said that the contractor had no control over these workmen and they had no power to remove any such workman and the union raised a dispute before the management in January, 1986 for their regularisation and thereafter the concerned workmen were terminated from 5-3-86 without any notice or notice wages. Thereafter a dispute was raised before the ALC (C), Patna but the conciliation failed due to the rigid attitude of the management. However, a letter was given by the management to the Conciliation Officer stating therein that the workmen No. 1 to 10 of the reference were working with the management from the year 1979—1982 and that they were agree-

able to offer them a chance for consideration for regular appointment as a measure of conciliation. But the concerned workmen were retrenched and these vacancies were filled up later on by other workmen in the year 1988 by different appointment letters issued from September, 1987 to January, 1988. It is said that the action of the management giving very meagre daily wages to the concerned workmen and terminating them from March, 1986 without notice or notice compensation was violation of the provision of the I. D. Act and they were entitled for their regularisation in service from the date of their termination with full back wages and interest thereupon.

3. I find that the management have appeared and filed W.S. stating therein that this reference is not maintainable and the workmen are not entitled for relief as claimed and further said that the concerned workmen were never engaged by the management and one contractor M/s. Project Engineering and Construction Co. was engaged by the main branch of S.B.I. for doing odd works like cleaning walls, fans, tubes, removal of cobwebs, lifting of stationery boxes and other work like addition/alteration of the building with a view to easing space problem, white washing, painting, polishing, occasionally fetching of drinking water at the time of water scarcity and the work of the contractor came to an end with the completion of the works and the workmen were the employees of the contractor and they were never appointed and terminated by the Bank management. It is said that in the year 1986 when it came to the light of the management that the contractor's bills were highly inflated in comparison to the work done, the contractor was stopped abruptly. It is said that the sponsoring union taking advantage of the situation associated themselves with the contractors workmen and raised a dispute and that the claim of the workmen was not justified at all.

4. By way of rejoinder to the W.S. of the workmen the same has been denied specifically and parawise and it is said to be incorrect and also matter of record requiring no comments. It is further said that some of the statements are misleading and were denied. It was finally said that the claim of the workmen was fit to be dismissed as they were not entitled to any relief and the Award be passed accordingly.

5. I further find that a rejoinder has also been filed by the union to the W.S. of the management in which the contentions of the management have been denied specifically and parawise and the same is said to be incorrect and denied. It is also said that the workmen are fully entitled to the relief as claimed and the Award be passed accordingly.

6. On the basis of the pleadings of the parties the points for consideration in this reference are :—

- (a) Whether the management of S.B.I. was justified in terminating the services of the workmen as per schedule with effect from 5-3-86 or not ?
- (b) If not, what relief or reliefs the workmen are entitled ?

7. Both the points are inter-linked, so they are taken up together for their consideration.

8. I find that the management has examined as many as 6 witnesses on its behalf who were MW-1 U. Prasad, who was posted at Main branch of SBI Patna as Branch Manager from October, 1985 to July, 1987, MW-2 Binod Kumar Bhagat who was Manager, Personnel at Patna main branch from June, 1985 to May, 1986, MW-3 Arun Prasad Mukherjee who was the Desk Officer of the Personnel Department, Head Office of the SBI Patna (Industrial Relations) from 1985 to March, 1990, MW-4 Abdeslam Kumar Ambasta who was Chief Manager, Accounts Main branch from August, 1991 to May, 1993, MW-5 Rabinendra Krishna Neogi who was learning work in the Project Engineering firm during the year 1981-82 upto the year 1986 and MW-6 Sanjay Kumar who is Asstt. Manager, Main branch Patna in the year 1996 and has proved circular of the Head Office of the Bank marked Ext. M-4 and the circular was certified by the Assistant General Manager, SBI, Patna. But he has stated that he could not say as to whether the copy of the

circular was given to the workmen or not and whether the instruction of the circular was followed in this case or not. He could not also say as to why the circular was not filed before the ALC(C), Patna.

9. This witness has tried to support the case of the management as given in the W.S. of the management and stated that the concerned workmen were the workers of the contractor M/s. Project Engineering works engaged for doing addition and alterations of building furnitures etc. with the bank and some time he was also engaged for fetching water and supplying the same to the employees as and when water scarcity arose but the workers were not engaged for sweeping, dusting and cleaning of the Bank premises. There was not also any written agreement with the contractor but bills were submitted by the contractor and it was paid by the Bank monthwise and the contractor used to employ 24 workmen at a time. MW-1 has also stated that he has seen the contractor workers working in the Bank premises during his round to the Bank's establishment but he could not identify the workers at present and that one Mr. R. K. Neogi MW-5 was the representative of the said contractor company supervised the work of the workmen. He has further admitted that these workmen were paid occasionally by the Bank for miscellaneous job done by them through petty cash vouchers for delivery of letters and bringing papers from the Head Office. After going through Ext. M-1 he has stated that the contractor company used to submit like bills which were passed and payment was made from petty cash voucher. Such petty cash vouchers were produced on behalf of the workmen have been proved by MW-1 which have been marked Ext. W-12 to W-52 and as it was specifically stated by him that Ext. W-18, 19, 30, 32, 33 and 52 were not related to the Banking works. He has admitted that on 5-3-86 all the workmen were stopped from work which they were doing as per direction of the Divisional Manager and Ext. W-1 was received in the office of the Bank and no reply was given by the office. He also proved certificates produced by the workmen marked Ext. W-54, 55. He has further stated that there were deep boring and overhead tank at Patna main branch but sometimes when it stopped functioning water scarcity was caused and the job of fetching water and supplying the same to the staff of the Bank are done by the workmen. He could not say that the Bank was registered for engagement of contractors and the contractor was having any licence under the Contract Labour (Regulation or Abolition) Act or not.

10. The evidence of MW-2 to MW-4 is on the same line and MW-2 has stated that he could not say that the contractor engaged 20 workers or not at a time. He has stated that there were posts of Messenger-cum-Water boy who were employed on regular basis and who fetched drinking water to the staff of the Bank and he could not say that during his period 14 such water boys were in regular employment. He could not say that the workmen were doing work as per instruction of the Divisional Office of the Bank. He has further stated that when the workmen were stopped working in his Division the Branch Manager had not sent any memo in this respect.

11. Similarly MW-3 and MW-4 stated that the concerned workmen were contractors employees who were engaged for doing odd work of the Bank and payment was made accordingly. In the year 1985 MW-3 was not posted in the branch and he had no knowledge of payment made to the workmen. He could not say as to whether there was any circular of engagement of contractor for doing particular work or not in the Bank. He has appeared in the conciliation proceeding before the ALC(C) and he has further stated that he had not seen in the office that any notice was sent to the contractor relating to the cancellation of the contract and that the Bank paid conveyance allowance to its regular employees. He could not say the exact nature of work done by the workmen outside the bank for which conveyance allowance are paid to them. MW-4 are posted in the branch from 1991 to 1993 and he could know about the management of M/s Project Engineering through all records of the Bank and the contractor's works were like polishing fetching of water, carrying stationeries, cleaning fans etc. He has admitted that in Ext. W-6 to W-11 nature of work done by the workmen of the contractor firm is noted as providing drinking water and other misc. work. He has further stated that during his stay in the Bank another firm namely R. K. Neogi and Co. was engaged by the Bank for the

aforesaid work and both the firms are providing similar services to the bank and he could not say any name of the workmen engaged by the Neogi firm. W-5 is Shri Rabindra Kumar Neogi who stated that Ext. M-1 bears the signature of K. M. Mitra, the proprietor of Project Engineering construction company and from the year 1981 to 1986 he has learnt work with the said firm. But he could not say that the said firm was only a labour supplier or used to undertake execution of contract work by employing its own labour and about W-11 he could not say the name of workman. He also could not say any name of the workman engaged by the contractor firm and he himself started working at SBI after April, 1992 and he has not employed any workmen of Project Engineering firm, and he was doing the job of maintenance of building in which the bank is situated. He has denied that he is deposing against the workmen under the pressure of the management. The evidence of MW-6 has already been discussed above.

12. Similarly the workmen have examined as many as 9 witnesses who are WW-1 Ram Nandan Prasad workman appointed on 10-1-79, WW-2 Sheo Shankar Pal appointed on 1-7-81, WW-3 Jogendra Rajak appointed on 3-1-79, WW-4 Binoy Mishra appointed on 1-6-81, WW-5 Suresh Thakur appointed on 10-1-79, WW-6 Rakishore Sharma who was appointed by Mr. Kuppaswami, the then Branch Manager at the age of 18 years, WW-7 Sheo Shankar Prasad, who joined on 1-7-81 and WW-9 Jaishree Yadav who was appointed on 1-3-84 by Mr. M. K. Mallick the then Manager. WW-7 Shaligram Sharma is a clerk in S.B.I. Patna Main branch since 1969 and he became Head Clerk since 1974 and he has supported the case of the workmen stating therein that the concerned workmen were doing the job of permanent Group IV employees and that the officers and the clerks used to take work from them and they used to work in the Bank from 10.00 A.M. to 6.00 P.M. and that they worked for the whole years except holidays and Sundays and were paid from the bank debiting the charges. Ext. W-6 to W-11 were payment vouchers of the Bank which bears his short signature and the sanctioning authority have also signed on these vouchers and the concerned workmen were made payments on the basis of the vouchers Ext. W-6 to W-11. He has further stated that the payment was made to them in the name of the contractor so that the workmen cannot claim permanent job and petty cash is also debited in the charge head. He has proved the demand letter sent by the sponsoring union dated 9-1-86 which is Ext. W-56 and there was no complain by any officer of the company relating to their conduct and work. He has been cross-examined at length on behalf of the management and have further stated that Ext. W-4 was filed before the ALC (C) in which the Bank has admitted that the concerned workmen would be taken into employment as special case vide Circular No. P-77/84 if they apply for the same. But the concerned workmen had not applied as per this circular. He has denied that the sponsoring union is not recognized by the Bank and that he being the officer bearer of the Bank is adducing falsely on behalf of the workmen. He has specifically denied that the concerned workmen were the workers of the Project Engineering contractor and after closure of the contractor firm the work of the workmen were stopped. He has further denied that these workmen did not work for 240 days and payment from petty cash was made to them. Evidence of other WWs, WW-1 to 9 who are some of the concerned workmen is similar and all of them have stated that they were appointed by the Bank after holding interview by the then Branch Manager in the year 1983-84 and they have joined the Bank at the age of 18, 19 years and the requisite qualification being 7th pass, 8th pass, 9th pass for being appointed as Group-IV employees of the Bank and they were performing the job of messenger, water boy and miscellaneous job for which a very meagre amount was being paid to them. WW-2 has stated that his signature is on Ext. W-44 to W-47 for getting payment @ Rs. 5 per day from September, 1981 @ Rs. 7 per day and from September, 1983 @ Rs. 10.50 P. per day. All these workmen have been cross-examined at length but nothing adverse could be taken from them to falsify the claim of the workmen. WW-2 has further stated that he worked for more than 240 days in any calendar year before being stopped from work from 5-3-86 by the Bank. WW-5 have specifically stated that it is not correct that as they worked in the Bank for sometime the management pleaded before the ALC (C) to give chance to them as special case as per Bank's circular No. P-77/84 and that they could not apply for the same as no

information was given to them to file application under this circular. He could not say that some other workmen have applied under the provision of the said circular and they were given employment later on. WW-7 has also stated that he and other co-worker were working from 10.00 A.M. to 6.00 P.M. doing various work of the Bank and payments were made to them through vouchers Ext. W-6 to W-11 and the payment was made to them from the petty cash which is also debited in the charge head. He too have denied that he was workman of M/s. Project Engineering Company a contractor firm rather they were directly employed under the management but just to defeat their claim these paper arrangement was made by the Bank. The evidence of WW-8, WW-9 is on the same line and nothing adverse has been taken from the fulfledged cross-examination on behalf of the management. WW-9 has said that he knows the fact of Ext. M-4 to some extent but could not say the details of the same and also could not say as to whether it was filed before the ALC (C) or not. There is no other witness on behalf of the workmen.

13. Some documents have been filed on behalf of the parties. The management has filed Ext. M-1, M-1/1 which are photo copies of bills and debit slips, M-2 is Establishment Register (nav sheets) from October, 1978 to 1986 (in volume) Ext. M-3 is the copy of attendance register and M-4 is the circular of the Bank No. PER-77/84 dated 17-5-84 which shows that the workman who has completed 90 days of work in 2 calendar month may register themselves for the absorption and they would be considered for their regularisation by the Branch Manager or the Branch where they have worked in temporary capacity.

14. Similarly the workmen have filed a number of documents Ext. W-1 photo copy of letter dated 20-3-86 to the Branch Manager, SBI Patna Main Branch for regularisation of the workmen. W-2 letter given by the management to the ALC (C) Patna. W-3 is a petition given by the union before the ALC (C) on behalf of the workmen and W-4 is a letter given by the sponsoring union giving total number of work done by the concerned workmen. Ext. W-6 to W-11 are bills of different date of the concerned workmen through which payment was made to them and Ext. W-12 to 52 are vouchers showing all payment made to the workmen by the Bank's Main Branch Patna. W-53 photo copy of payment register from June 1985 to August 1985 made to some of the workmen. W-54 is certificate issued by the Manager, Accounts Department, Patna Main branch to Balbichore Sharma in the year January, 1982. W-56 letter given by the union to the Manager, Patna Main Branch regarding regularisation of the workmen and W-57 is a copy of the Bank's circular dated 12-8-66.

15. While arguing the case it has been submitted on behalf of the Bank management that the union was not competent to raise the dispute on behalf of the workmen and the workmen were the workers of M/s. Project Engineering and Construction Co. who was a contractor company with the Bank doing work and the concerned workmen were neither appointed by the Bank nor stopped their work and there was no relationship of employer and employee between them and in this view of the matter they are not entitled for regularisation of their services. It was also said that the witnesses examined by the management have fully supported their case that the concerned workmen were the workers of the contractor and they were doing the work and payment was made to them by the contractor which is also clear from Ext. M-1 series and Ext. W-6 to W-11 series and these bills were produced by the workmen which are in the name of contractor and in this view of the matter the contention of the sponsoring union of the workmen that they were directly working under the Bank management and have worked for more than 240 days in a calendar year is falsified. So far Bank's circular Ext. M-4 is concerned there was provision for regularisation of the services of the temporary workers working in the branches of the Bank who have completed 90 days of work and who applied and registered themselves in the local branch where they are working and in case of need they might have been regularised in the services but in the present case none of the workmen had registered themselves with the concerned branch for their regularisation and absence of such criteria being fulfilled by the workmen, the question of regularisation does not arise. It is also said that the management has got to show the recruitment rules which cannot be over looked for

regularising the services of the workmen by back door method. It is further submitted that even for the sake of argument if it is taken that the workmen have completed more than 240 days of work for 12 calendar months, even then that does not give right for regularisation as reported in 1994 LIC-1197—SC—AIR 1994 SC 1638. It is therefore submitted that the workmen were not terminated by the Bank management as envisaged under Section 25F of the I.D. Act and no violation was made by the Bank management of this provision as the workmen were stopped work by the contractor who was found submitting inflated bills and on being asked to reduce his bills, they were stopped all of a sudden. It was not a case of termination to be covered under Section 25F and no question of notice or notice compensation arose thereby. It is also submitted that the workmen being contractors workers were not entitled for regularisation in services of the management and the action of the management in terminating the services of the workmen with effect from 5-3-86 is justified and the workmen being not entitled for regularisation the question of regularisation of their services did not arise at all.

16. On the other hand it is submitted on behalf of the workmen that they were appointed individually from the period 1979 to 1981 or upto 1984 in case of one or 2 workmen by the then Branch Manager of the Main Branch Patna for doing miscellaneous work in the Bank as Water Boys Messenger etc. for which payment of Rs. 5 by way of wages was made. Thereafter it was raised to Rs. 7 per day from 1983 onwards and Rs. 10.50p. from different date for their regular service for 6 to 7 years together and they have completed more than 240 days of regular work within 12 calendar months for years together which is clear from the evidence of WW-1 to WW-9 and also admitted by MW-1 by WW-2 in their cross-examination and it is also supported by WW-7 who is Head Clerk of the Main Branch, Patna, SBI. It is also pointed that WW-7 has specifically stated that payment was made to the workmen on the basis of the voucher Ext. W-6 to W-11 and it was made through M/s. Project Engineering Construction Company so as to defeat the claim of the workmen for permanent job and payment was made from petty cash which was debited from charge head from which payment to regular staff is made. It is also pointed out that from Ext. W-12 to W-52 a bunch of vouchers have been produced in the name of the concerned workmen to show that the conveyance allowance and other such payment was made to them for going outside branch for doing work of the Bank. It is further submitted that MW-5 examined by the management has stated that conveyance allowance is given to the permanent staff of the Bank for doing Banking activities outside the branch and payment of conveyance allowance was made to the concerned workmen for carrying work outside of the Bank. From Ext. W-53 to 57 it is submitted that these are documents of the Bank which shows that the concerned workmen worked continuously for such a long period with the Bank Manager and one fine morning they were stopped work by the Bank authorities which is admitted by MW-1 and 2 in the evidence without giving any notice or notice compensation to them. It is also pointed out that this is a clear cut violation of Section 25F of the I.D. Act and their termination was void abinitio. It is also submitted that payment was made initially to the concerned workmen individually in their name but after sometime it was thought by the management that the workmen would claim their regularisation of job after completion of 240 days work in 12 calendar months and then M/s. Project Engineering Construction Company was invented and created on paper and payment was made through this contractor company which was sham and camouflage just to defeat the genuine claim of the workmen. No paper has been produced to show that any contractual agreement was entered into with the aforesaid company by the Bank management or that any notice was given to the contractor for stopping their work rather the plea that when such inflated bills were detected the company was asked to reduce his bills then he stopped work and all such so-called inflated bills were not produced by the management in support of their contention. It is further submitted that MW-5 R. K. Neogi has been examined who has admitted that he was working in the Bank since 1992 and that he has taken training with the said M/s. Project Engineering Company during the period but again there is

no document to substantiate the contention of MW-5. Certainly he is an interested witness who has been produced by the management under its pressure and has adduced under the pressure of the management. It is further submitted that as per Ext. M-4 all the concerned workmen have completed many 90 days of regular work with the management and they are entitled for their regularisation and such plea was taken by the management before the ALC(C) that their case would be considered sympathetically before but never Ext. M-4 was given by the management nor they were asked to register with the local branch of the management for their regularisation. Now the plea was taken that as no such application was filed by the concerned workmen so they have not been regularised in the services but other workmen later on after termination of the concerned workmen just after completion soon they were regularised in service by the management but these workmen have been left for no fault of theirs.

17. It is further submitted that the action of the management in terminating the services of the workmen with effect from 5-3-86 without complying with the provision of Section 25F of the I.D. Act, 1947, the action of the management is highhanded, arbitrary, illegal and that cannot be justified in any way. The management also entered into unfair labour practice and exploitation of the workmen by paying meagre amount of Rs. 5 to 10.50p. for the whole day work and they have not even paid minimum wages as envisaged under the Minimum Wages Act where they were doing the work of Class IV workmen of the Bank management as admitted by WW-7, Head Clerk of the Bank of the Main branch of the SBI, Patna. As such, it is submitted that they are entitled for regularisation in the services and all along they were the workmen of the management and they have worked for the management and this contractor company has been created and invented by the management just to defeat the claim of permanent job as simply a paper arrangement which is sham and camouflage done by the management to deny permanent job of the workmen after working so many years regularly with the Bank management. It is also pointed out that they were never the employees of the contractor nor any contract existed in reality and they were directly working under the Bank management and getting payment from the management which is clear from the vouchers vide Ext. W-12 to W-52 which has been received by individual workmen on different dates. It was also pointed out that the said Project Engineering Construction Company was not registered under the Contract Labour (Regulation and Abolition) Act, 1970 nor held any valid licence and nor the Bank was entitled to take any such work from such contractor and for which no paper has been filed by the Bank management about its registration or licence under the said Act. As already pointed out that no contract paper and termination notice has been filed by management to show that actually any such contract was entered into by the management or that it was terminated from 5-3-86. Such contract was never valid and it was simply a paper transaction.

18. On consideration of both oral and documentary evidence as adduced by the parties and also the points of argument made on their behalf I find much force in the pleas of the workmen and the sponsoring union that the concerned workmen were working against permanent post in the Bank and on their termination other such workmen were engaged on transfer from other branches and subsequently they were regularised in service. Naturally, this plea of the management that the workmen were contractors workers has got no leg to stand and it is fully established that this plea of contractor company doing contract work was simply a paper work entered into by the management to defeat the claim of the workmen and it was sham and camouflage and cannot be relied upon at all. The workmen were never given notice regarding the provision of Circular Ext. M-4 for their registration with the Bank for regularisation although such assurance has been given by the management before the Conciliation Officer that their case would be considered sympathetically if they apply for such post but no intimation was ever given to them which is clear from the evidence of MWs and WWs examined on behalf of the parties. In view of the provision of this circular and also considering the fact that they have many 240 days in 12 calendar months for years together working continuously for the benefit of

the Bank management, they were entitled for their regularisation and on their asking for regularisation of the job, all on a sudden they were terminated with effect from 5-3-86 without complying with the provision of Section 25F of the I.D. Act, 1947 and certainly their termination becomes void-ab initio and this act of the management cannot be justified in any way. I also find that the dispute raised by the workmen and the sponsoring union under the I.D. Act was quite valid and the plea of the management for non-maintainability of the reference has also got no merit. In the result, I come to the conclusion that the action of the management in terminating the services of the concerned workmen as per annexure of the schedule w.e.f. 5-3-86 was not justified at all and the workmen are entitled for their relief for the reinstatement and regularisation in service.

19. So far payment of back wages is concerned it is clear that for the period after their termination the workmen have not worked for the Bank management and on the principle of 'no work no pay' they cannot claim such full back wages. But considering hardship being faced by them after their termination by the management without complying with the provision of Section 25F of the I.D. Act, 1947, the management is directed to reinstate and regularise the services of the concerned workmen from the date of their termination i.e. from 5-3-86 itself. This reference was made by the Ministry in November, 1991 and as such the management is directed to pay 40 per cent of full back wages from 1st of November, 1991 onwards after fixing their full pay from the date of reinstatement and regularisation i.e. from 5-3-86. Hence, the following Award is rendered :—

"The action of the management of State Bank of India was not justified in terminating the services of the concerned workmen as mentioned in the annexure to the schedule of reference with effect from 5-3-86. Consequently the concerned workmen are entitled for their reinstatement and regularisation w.e.f. 5-3-86."

The management is directed to reinstate and regularise their services with effect from 5-3-86 and fix up their pay and seniority from this very date. But the management is directed to pay 40 per cent of full back wages with effect from 1st November, 1991 within two months from the date of publication of the Award in the Gazette of India.

20. However, there will be no order as to costs.

T. PRASAD, Presiding Officer

नई दिल्ली, 19 मई, 1997

कां०प्रा० 1605.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार एस बी आई के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अन्वय में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-1997 को प्राप्त हुआ था।

[सं. एल. 12012/269/85-डी II (ए)]

सनातन, डेस्क अधिकारी

New Delhi, the 19th May, 1997

S.O. 1605.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.B.I. and their workman which was received by the Central Government on the 14th May, 1997.

[No. L-12012/269/85-D.II(A)]
SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 3/87

In the matter of dispute between :

Shri G. K. Pandey, President,
U.P. Bank Employees Congress,
121, Alop Bagh,

Allahabad.

Shri Ramesh Chandra Gupta S/o Ram Chandra Gupta,
House No. 18, Naubarta Gopal Bhawan,
Hamirpur Road, Kanpur.

Shri Kamla Kant Bajpai and
Shri Anil Dhawan C/o V. N. Sekhri.
26/104 Birhana Road, Kanpur.

AND

The Regional Manager, Region III,
State Bank of India, The Mall,
Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-12012/269(1)/85-D-II(A) dated 30th December, 1986 has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the management of State Bank of India in terminating the services of the workmen mentioned in the annexure and not considering each of them for further employment under Section 25H of the I.D. Act is fair, just and legal? If not, to what relief the workmen concerned are entitled?

2. In this reference there are 14 workmen viz. 1. Baidya Nath Tiwari, 2. Ajay Kumar Mishra, 3. Anil Dhawan, 4. Ravi Shanker, 5. Sunil Kumar Shukla, 6. Ram Dulare Tewari, 7. Chiranji Lal Verma, 8. Mahesh Chandra Gupta, 9. Radhey Shyam Misra, 10. Baldeo Prasad, 11. Ramesh Chandra Gupta, 12. Kamla Kant Bajpai, 13. Rakesh Kumar, 14. Durga Prasad Pandey. Out of them we need consider the cases of Mahesh Chand Gupta, Baldeo Prasad Pandey, Ramesh Chand and Durga Prasad Pandey. The remaining 10 failed to turned up after exchange of pleadings. Hence the reference of these 10 workmen has to be decided against them for want of proof.

3. The case of Mahesh Chand Gupta is that he had worked from 22nd May, 1980 upto 17th August, 1980 as messenger for 89 days at Jonstonganj branch, Allahabad. The case of Baldeo Prasad is that he had worked from 5th May, 1978 upto 7th March, 1981 for 231 days at Zari Bazar, Allahabad branch as messenger. The case of Ramesh Chand Gupta that he had worked as peon from 23rd April, 1984 upto 27th

July, 1984 for 89 days at Usman Nagar branch of the opposite party. The case of Durga Prasad Pandey is that he had worked from 10th August, 1983 to 14th October, 1984 for a period of 219 days. It is further alleged that they were appreciated as temporary employees. After their termination new hands were appointed but they were not given opportunity. Hence there has been breach of Section 25H I.D. Act. Consequently respective termination is bad in law.

4. The opposite party has filed reply in which it has been alleged that they were appointed for fixed period to meet the exigencies of work. They did not work on any permanent post. There had taken place settlement in the year 1988 and 1991 according to which the workmen who had worked like the concerned workmen, were given opportunity for service but they were not found suitable. In this way provision of Section 25H I.D. Act has been complied with.

5. In the rejoinder nothing new has been said.

6. In support of his case Baldeo Prasad WW(1) has examined himself in which he has stated that when he was removed, junior to him like Ram Chandra were working and when new hands were appointed he was not given opportunity. Mahesh Chand WW(2) has stated that when he was removed junior to him were working but he does not remember their names. When new hands were appointed he was not given opportunity. Durga Prasad Pandey WW(3) and Ramesh Chand Gupta WW(4) have also given similar statement. In rebuttal there is evidence of Saugat Mittra WW(1) who is Asstt. Manager State Bank of India Main Branch, Allahabad. He has stated that in terms of settlement of the years 1988 and 1991, the concerned workmen were given opportunity but they did not either turned up are found suitable. Ext. M-5 and Ext. M-8 are the copies of settlement for the years 1988 and 1991. Other paper are notices issued to eligible candidate through new paper. Durga Prasad Pandey and Ramesh Chand Gupta have in their cross examination admitted they were called in interview. Thus from the evidence of Saugat Mittra alongwith papers it is established that the concerned workmen were given opportunity to apply in test but were not either found suitable and did not appear. In this way there was sufficient compliance of Section 25H I.D. Act. Accordingly the termination cannot be said bad on this score.

7. As regards beach of Section 25G I.D. Act it is beyond the scope of reference. Apart from this case has also not been proved, as the names of juniors were disclosed in written statement.

8. As the four contested workmen have also not completed more than 240 days. Hence question of compliance of Section 25F I.D. Act does not arise.

9. In the end my Award is that termination of Mahesh Chand Gupta, Baldeo Prasad, Ramesh Chand Gupta and Durga Prasad Pandey is not bad and they are not entitled for any relief. The remaining 10 concerned workmen 1. Baidya Nath Tiwari, 2. Ajay Kumar Mishra, 3. Anil Dhawan, 4. Ravi Shanker, 5. Sunil Kumar Shukla, 6. Ram Dulare Tewari, 7. Chiranji Lal Verma, 8. Radhey Shyam Mishra, 9. Kamla Kant Bajpai, 10. Rakesh Kumar will also not be entitled for any relief for want of proof.

B. K. SRIVASTAVA, Presiding Officer

ANNEXURE

S. No.	Name of the workmen	Branch where employed	Date of Termination
1.	Shri Baidya Nath Tewari Messenger	Phulpur Branch Allahabad	3-2-84
2.	Ajau Kumar Mishra Messenger	Motilal Nehru Engineering College Allahabad	24-3-83
3.	Anil Dhawan Messenger	Kahu Kothi Branch Kanpur	20-6-83
4.	Ravi Shanker Messenger	A.G.U.P. Extension Counter	23-8-83
5.	Sunil Kumar Shukla Messenger	Johnstonganj Branch Allahabad	25-4-84
6.	Ram Dulare Tiwari Messenger	-do-	17-9-84
7.	Chiranji Lal Verma Messenger	-do-	1-5-83
8.	Mahesh Chandra Gupta Messenger	-do-	17-8-80
9.	Radhey Sham Mishra	-do-	26-4-83
10.	Baldeo Prasad Messenger	Jari Branch Allahabad	7-3-81
11.	Ramesh Chandra Gupta Peon	Usmanpur Branch Kanpur	27-7-84
12.	Kamla Kant Bajpai Messenger	Kanpur	21-7-84
13.	Rakesh Kumar Agnihotri Messenger	Mian Branch Allahabad	20-9-81
14.	Durga Prasad Pandey Messenger	-do-	14-10-81

नई दिल्ली, 19 मई, 1997

क्र०आ० 1606-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस बी आई के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कातपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14/5/97 को प्राप्त हुआ था।

[सं० एल-12012/205/93-आई आर (बी I)]
सनातन, डैस्क अधिकारी

New Delhi, the 19th May, 1997

S.O. 1606.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government

Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.B.I. and their workman, which was received by the Central Government on 14-5-97.

[No. L-12012/205/93-IR(B-I)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, DEOKI
PALACE ROAD, KANPUR

Industrial Dispute No. 2 of 1994

In the matter of dispute :

BETWEEN :

Sri Uma Shanker,
C/o. V. N. Sekhari,
26/104 Birhana Road,
Kanpur.

AND

नई दिल्ली, 27 मई, 1997

Chief Manager,
State Bank of India,
Main Branch,
Mall Road, Kanpur.

APPEARANCE :

S. N. Sharma—for the Management.
V. Singh—for the Workman.

AWARD

1. Central Government, Ministry of Labour, vide its notification number 1-120112/205/93-I.R. B-1 dated 3-1-94, has referred the following dispute for adjudication to this Tribunal :—

Whether the management of State Bank of India, Kanpur, is justified in rejecting the application dt. 25-9-91 submitted by Sri Uma Shanker Sharma for permanent appointment in Bank's service on the ground that he was under age on the date of his initial engagement? If not, to what relief the workman is entitled?

2. The concerned workman Uma Shanker Sharma in his claim statement has alleged that he was engaged as a messenger at the Mall Road Branch Kanpur of the opposite party State Bank of India. The date of appointment has not been given. However, it has been alleged that he had worked for 77 days upto 30-4-82 and was paid Rs. 7 per day as wages. His services have been terminated in breach of section 25G and H of I.D. Act. On 25-9-91, he made a request in writing for permanent appointment but the same was refused. He was entitled for reinstatement as his services were wrongly determined in breach of section 25G & H of I.D. Act.

3. The opposite party has filed reply in which it has been alleged that concerned workman was a minor at the time of employment and he was also not appointed by the competent person hence his very appointment is bad in law and in such a case question of giving permanent appointment does not arise and termination of such illegal appointment will not attract any provision of Industrial Disputes Act. In any case subsequent to this happening repeated opportunities were given to such persons for permanent absorption but the concerned workman did not come in that prescribed limit hence his case was not considered.

4. In the rejoinder nothing new has been alleged.

5. The concerned workman Uma Shanker Sharma W.W.1 has admitted that when he was appointed he was a minor. This fact is also verified from School leaving certificate Ext. M-6 which shows that this year of birth is 10-4-66. The management has filed rules regarding temporary appointments made by State Bank of India dated 14-9-71. Para (5) of this rules requires minimum age of 18 years for appointment as sub staff. Since the concerned workman had not attained this age at the time of appointment obviously this appointment was bad in law. In the case of Ravinder Sharma and others Vs. State of Punjab 1995 KLR(70)43 it has been held that where appointment is made in breach of any provisions of rule and is also made without authority of law such appointment is void ab initio and provisions of Industrial Disputes Act, 1947, do not apply to such termination of services.

6. In view of this authority it is held that appointment of the concerned workman is bad in law and he is not entitled for any benefit of section 25G & H of I.D. Act, as it does not apply in such cases. As such question of his services illegally terminated does not arise. In view of this back ground the concerned workman had no subsisting right to get permanent appointment on the basis of this application dated 25-9-91. I award accordingly and the concerned workman is not entitled for any relief.

7. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

का.प्रा. 1607.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धतंत्र के संबंध में निदेशित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 26-5-97 को प्राप्त हुआ था।

[सं. एल-12012/158/88-आईआर-बी-II]

सनातन डेस्क, अधिकारी

New Delhi, the 27th May, 1997

S.O. 1607.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workmen, which was received by the Central Government on 26-5-1997.

[No. L-12012/158/88 IR(B-II)]
SANATAN, Desk Officer.

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 122/88

In the matter of dispute between :

Shri Udham Singh, 191, Karmyog Kutoer,
Village Tehkhand, New Delhi.

Versus

Assistant General Manager, Allahabad Bank,
17, Sansad Marg, New Delhi.

APPEARANCES :

Shri M. K. Verma for the management,

Shri Raman Kapoor—for the workman, and the workman himself.

AWARD

The Central Government of India in the Ministry of Labour, vide its Order No. 12012/158/88-D-2(A) dated 7-11-1988, has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of Allahabad Bank in dismissing from service, Shri Udham Singh, is justified? If not, to what relief is the workman entitled?"

2. The concerned workman was appointed by Allahabad Bank as Peon-cum-Watchman on 4-12-81 and was posted at Parliament Street Branch, New Delhi.

3. On 28-1-1986, the concerned workman was charge-sheeted for having addressed a letter to the Editor of 'Punjab Kesri', which was published in the newspaper, disclosing the most confidential process observed by the bank in transaction of cash from branch to branch, which is kept absolutely confidential for security purpose and for preventive measures. By disclosing the most confidential information regarding transaction of money from one branch to the other by the Bank to general public, including unsocial elements, the concerned workman had put the entire such future cash transactions of the Bank at risk which was prejudicial to the interest of the Bank tantamounting to gross-misconduct under clause 19.5 (b) and (j) of the 1st Bipartite Settlement, dated 19-10-1986. He was further charge-sheeted on 8-2-1986 for wilful disobedience of lawful orders of his superiors and dereliction of duty, tantamounting to gross-misconduct under Clause 19.5(c) of the aforementioned 1st Bipartite Settlement. Then again on 21-2-1986, he was charge-sheeted for being negligent on duty and for wilful dereliction of duty, tantamounting to gross-misconduct under Clause 19.5(j) of the said Bipartite Settlement.

4. A departmental enquiry was held in connection with the aforementioned charge-sheets, wherein, the charges levelled against the concerned workman, were found proved.

5. Concurring with the finding of the Enquiry Officer, Shri N. K. Gupta, Assistant General Manager, New Delhi, acting as Disciplinary Authority, dismissed the workman from Bank's service without notice by means of an order dated 23-2-1987.

6. In his statement of claim, the workman had alleged violation of the principles of natural justice during conduct of the enquiry. According to him, the enquiry proceedings were not conducted according to the law and procedure laid down and the same suffer from various discrepancies. He has further alleged that initially Shri G. D. Kakkar was appointed as Enquiry Officer who was fair minded and was not willing to give one-sided report, as desired by the management, and, therefore, he got himself relieved as Enquiry Officer on the plea that he was not well up in Hindi. The workman further alleged that the enquiry officer, by refusing supply of additional defence documents, deprived him of cross-examining prosecution witness. He further alleged that he was not given opportunity to cross-examine the witnesses by the enquiry officer by putting restrictions. It is further alleged that while issuing the charge-sheet, only three witnesses were mentioned, while two more additional prosecution witnesses were produced at the request of the Presenting Officer without getting the list of witnesses amended from the disciplinary authority, which was clearly illegal. It is further stated by the concerned workman that the finding of the Enquiry Officer, are not based on evidence on record, and that he has been punished by the management to cover up their own lapses. All these allegations are said to be without force by the management.

7. The management have filed 13 documents and have examined Shri Indra Mohan Mehra, who had held the departmental enquiry, as MW1/1.

8. The concerned workman has not filed any document. He, however, has examined himself as MW1/1.

9. I have heard the representative of the management and the concerned workman and have gone through the evidence on record.

10. Out of the pleadings of the parties, following issues were framed :—

(i) whether the domestic enquiry conducted against the workman is fair and proper ?

(ii) As in the terms of reference ?

11. Now, let me examine the preliminary issue as to whether domestic enquiry was held fairly and properly or not.

12. The first ground set out by the workman is that the documents requested by him to be produced in the enquiry, were not summoned by the enquiry officer. As per application dated 18-8-1986, the workman had requested the following documents to be summoned from the management :—

(i) Bipartite Settlement dated 19-10-1966.

(ii) Hindi version or translation of rules relating to remission of cash from one branch to the other and order dated 28-1-1986 of the authorised officer.

(iii) Hindi translation of rules relating to duties of Peon-cum-Chowkidar.

(iv) Authenticated Hindi translation of departmental action/documents in connection with the suspension of Shri Yugal Kishore Mehrotra, ex-Acting Administrator.

(v) Authenticated Hindi translation of departmental action/documents relating to the suspension of Shri Shanker Sen, ex-AGM, Allahabad Bank with the reason as to why he was placed under the suspension.

(vi) Authenticated/Hindi translated copy of CBI report and other government agencies regarding Bank scam after 28-1-1986 in connection with Shri Mehrotra and Shri Shanker Sen aforesaid.

(vii) Authenticated Hindi translated copy of report of CBI and other government agencies after 28-1-1986 relating to the matters not connected with Shri Mehrotra and Shri Shanker Sen aforesaid.

(viii) Copy of rules with Hindi translation relating to the duties of Bank employees other than Bipartite Settlement dated 19-10-1966.

(ix) Authenticated Hindi translated copy of the legal action taken against the Editor of Economic Times regarding news published in the month of June, as also its reply, if any, from the Editor.

At serial No. 8 in the said application, the workman had also requested to conduct the enquiry proceedings in Hindi only. At serial No. 10 of the said application, the workman requested to be supplied with copy of day-to-day enquiry proceedings.

13. The application aforesaid was disposed of by the Enquiry Officer on 25-9-1986. I have closely perused the proceedings of 25-9-1986. Regarding documents at Sl. No. 1, the Enquiry Officer rightly held that the same being a published document was available in the open market and need not be summoned. Regarding documents at Sl. No. 2, the Enquiry Officer rightly held that the same had no relevancy. Regarding document at Sl. No. 3, the findings of the Enquiry Officer is the same, as that of documents at Sl. No. 1. Regarding documents at Sl. Nos. 4, 5, 6, 7 and 8 the findings of the Enquiry Officer is that the same having no relevancy with the charges levelled against the workman, need not be summoned from the management. I do not find any flaw in the observations of the Enquiry Officer, while disposing of the aforementioned workman application dated 18-8-1986. I do not find any force in the contention of the workman that denial of the said documents, had, in any way, adversely affected his cross-examination of the management witnesses.

14. It has been pleaded by the workman that in the enquiry, the management examined two additional witnesses, i.e. Shri R. L. Bhatta and Shri H. K. Sharma without seeking amendment in the list of witnesses, while in the list of witnesses, only 3 witnesses were mentioned. I do not find any force in this allegation of the workman because the management was competent to examine as many witnesses as were found necessary by them to prove the charges against the workman. There is no law which puts bar on examining witnesses more than the number mentioned in the list of witnesses.

15. The other plea of the workman is that Shri Y. K. Mehrotra was not examined by the management in the enquiry to disprove allegations against him. On this score also, I do not find any flaw in the enquiry, because it was for the management to decide as to which witness was to be examined and which was not to be examined.

16. The second ground set out by the workman is that he was not allowed to engage a lawyer to defend him in the enquiry. There is no provision in the various bipartite settlements entitling the workman to be defended by a lawyer without Bank's permission. Moreover, when it has been shown by him that the Presenting Officer or the Enquiry Officer/or both were legally qualified persons. Therefore, I find no substance in this plea also.

17. Under the circumstances stated above, it cannot be said that reasonable and fair opportunity was not given to the workman.

18. Hence, held that the domestic enquiry was conducted fairly and properly and in accordance with the principles of natural justice.

19. I have perused the findings of the Enquiry Officer in the context of the evidence on record before him. I do not find any perversity. The findings are well reasoned and are based on proper appreciation of the evidence on record before him.

20. Now let me examine as to whether dismissal of the concerned workman from service was justified or not.

21. It is a case, wherein the concerned workman had been found to have staked the entire future cash transaction of the Bank from branch to branch by way of unauthorised disclosure of confidential information regarding cash transaction through publication of his letter addressed to the Editor of 'Punjab Kesri' on 12-12-1985. It is really an alarming and a serious matter of concern and continuance of such an employee in the Bank can never be safe. The charges contained in other charge sheet dated 8-2-1986 and 21-2-1986, which have been found proved in the domestic enquiry, too are not to miss sight of.

22. Thus the material on record before me in the present case, fully justifies dismissal of the concerned workman from service.

23. Hence held that the action of the management of Allahabad Bank in dismissing from service the concerned workman, is justified, as a result of which, the concerned workman is not entitled to any relief.

24. Award is given accordingly.

11th April, 1997.

GANPATI SHARMA, Presiding Officer.

नई दिल्ली 27 मई, 1997

का.आ. 1608.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 26-5-97 को प्राप्त हुआ था।

[सं. एल 12012/402/91-आई आर(बी-II)]

मनतान, डेस्क अधिकारी

New Delhi, the 27th May, 1997

S.O. 1608.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workmen, which was received by the Central Government on 26-5-1997.

[No. L-12012/402/91-IR(B-I)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESID-
ING OFFICER : CENTRAL GOVT. INDUS-
TRIAL TRIBUNAL : NEW DELHI

I.D. NO. 30/92

In the matter of dispute between :

Shri D. C. Sharma, A-54, Raj Nagar-II, Palam
Colony, New Delhi.

Versus

Deputy General Manager, Canara Bank, Dis-
ciplinary Action Cell, Circle Office,
Marshal House, Hanuman Road,
New Delhi-110001.

APPEARANCES :

Shri T. C. Gupta for the workman.
Shri N.C. Sikri for the Management.

AWARD

The Central Government in the Ministry of Labour
vide its Order No. L-12012/402/91-I.R.B-2 dated
12-3-1992 has referred the following industrial dis-
pute to this Tribunal for adjudication :—

“Whether the action of the management of
Canara Bank in dismissing the services of
Sh. D. C. Sharma is justified ? If not, to
what relief the workman concerned is
entitled to ?”

2. The workman D. C. Sharma in his statement
of claim has stated that originally he was appointed
as a peon on 1-12-1976 in Laxmi Commercial Bank.
The said bank was merged with the Canara Bank.
He was promoted as Cashier-cum-Godown Keeper
on 25-10-1983.

3. On 18-9-1990 he was served with a suspension
order alongwith the charge sheet on grounds of
misconduct.

4. An enquiry was conducted by the management
in which he was represented by Mr. B. K. Chaudhary.
He had made repeated requests and demands that
all the proceedings of the enquiry be conducted in
Hindi as he did not understand English language.
He was under the impression that his representative
would fight for him but later on he came to know
that the representative had mixed up with the
management and worked under the influence of the
management and the enquiry officer. He was made
to sign all the papers of the English language in
faith by his defence representative. The Enquiry
Officer found him guilty and imposed punishment
of dismissal. The Deputy General Manager vide his
order dated 1-5-1991 dismissed the workman from
the service of the bank. The workman then filed an
appeal before the General Manager which was also
dismissed.

5. The workman has now challenged his dismis-
sal before this court/Tribunal on the ground that the
order was passed on conjectures and surmises, the

enquiry officer Appellate authority as well as Gene-
ral Manager did not apply the judicial mind and
imposed maximum penalty upon the applicant. The
applicant workman was kept under dark by the
management under all the proceedings of enquiry
which were recorded in English language which he
do not understand. He also alleged in the statement
of claim that he was not provided with the oppor-
tunity to disprove the allegations against him and
no show cause notice was ever served to him by the
management which was his fundamental right. The
copy of the enquiry report was not supplied to him
and the enquiry itself was an eye wash. He has
finally prayed that the enquiry was vitiated as legal
procedure was not adopted and the punishment
awarded to him was liable to be set aside.

6. The Management in its written statement
besides taking up many legal objections has alleged
that the enquiry against the workman was fair and
proper on principles of natural justice and fair play
were followed. The workman was given personal
hearing. The decision of the disciplinary authority
was legal and the punishment awarded to him was
the one which he deserved. The evidence of the
workman for which he was charged and enquiry
conducted was of a very serious nature and he had
taken out money from the bank which did not belong
to him by forging entries in the ledger of the bank.
According to the ground taken in the written state-
ment the workman deserved the punishment which
has been awarded to him and there was no ground
for any mercy petition as the official has betrayed
the confidence of the management. The Manage-
ment was supposed to deal with public money and
it could ill-afford to keep dishonest person for deal-
ing with that money in its employment. Besides
these grounds the management has referred to many
judgments of the different high courts in support of
its action.

7. The Management in its case examined Shri
S. Venugopal MW1 while the workman himself
appeared as WW1.

8. I have heard representatives of the parties and
gone through their written arguments.

9. The representative for the management has
alleged that there was absolutely no force in the
grounds taken up by the workman in his statement
of claim or in the written arguments. Representa-
tive who represented the workman during the en-
quiry was a person of his own choice and the manage-
ment never interfered nor the enquiry officer ever
disallowed him to cross-examine the witnesses or to
prove its case. The workman by virtue of his status
as an employee of the bank had access and control
over the books of accounts of the management.
While performing such duties he intentionally and
deliberately with motives inflated balance in his
savings bank account No. 748 maintained at the said
branch and had thereby withdrew Rs. 9800 and
he had also gone to the extent of tempering with
ledger & bank account pertaining to his savings bank
account. During the investigation he admitted the
fraud played by him and also reimbursed Rs. 2000

on 15-9-1990. The workman was allowed to cross-examine the bank witness and also lead his defence and the report of the enquiry officer was without any ill-will against the workman.

10. The representative for the workman on the other hand has alleged that the workman did not know English and had depended upon his representative who instead of pleading his case got mixed up with the management and got him the punishment. The Management also according to the representative for the workman did not apply its mind while imposing the highest punishment. The workman had filed number of documents. The workman representative in his arguments alleged that Shri A. K. Mahajan Officer who was working in the savings departments at Nehru Place Branch at the relevant time was not examined. Though his statement was recorded. There was denial of any hearing by the disciplinary authority before imposing the punishment and punishment awarded to the workman was too harsh as against the alleged offence. He has also referred to certain judgments of the different high courts in support of his case.

11. A perusal of the points urged before me by the representative for both the parties I am of the opinion that there is nothing in the objections taken up by the workman in his statement of claim regarding the fairness or otherwise of the enquiry. The allegations made by the workman in his statement of claim pertain to the conduct of his own representative D. K. Chaudhary and not of the enquiry officer. The representative D. K. Chaudhary was a person of the choice of the workman himself and was not thrust upon the workman by the management. He understood English and never pointed out or made any such request before the enquiry officer that he did not understand English. Not only this even after the decision of the Enquiry Officer the representation made by the workman himself the appeal to the General Manager was in English the copy of which is on record of this case. Even the statement of claim filed in this court by him is in English bearing his signatures also in English. His saying at this stage that he did not understand English is wrong but an after thought just to get some benefit out of this dispute. There is nothing material pointed out by the workman which could in any manner raise any doubt about the conduct of the enquiry officer. The points referred by the representative for the workman regarding the unfairness of the enquiry are very minor in nature and do not deserve to be referred in this discussion. The main objection regarding his not knowing English has been dealt with above. There has been no violation of natural justice and no unfairness or misconduct on the part of the enquiry officer has been highlighted by the representative for the workman during the discussion of this case. Keeping in view all these circumstances I am of the opinion that the Enquiry conducted by the management was fair and proper in this case.

12. I have also heard the representatives for the parties on the ground of punishment awarded to the workman by the management. The charge against the workman was that the workman had ever drawn Rs. 9,000 which did not belong to him. During the investigation of the matter the workman had admitted that he had drawn Rs. 8,800 approximately from his account which did not belong to him. He had in fact drawn cheques for Rs. 400, Rs. 200, Rs. 700, Rs. 3,000 and Rs. 5,500 and has admitted that he spent the sum of Rs. 8,800 for repaying the borrowing. All these points as admitted by him lead to the conclusion that the act of the workman was deliberate and misuse of his official position with ulterior motive. The bank is public undertaking and as a credit institution can ill-afford to keep fraudulent persons as the claimant in this case is in its employment. The act of the workman comes within the purview of moral turpitude as he has tampered with the bank records including the ledger sheets, the fact that he has large family dependent upon him to support was for the workman himself to look into at the time he had committed this act for which his services have been terminated. The punishment awarded to the workman was not arbitrary or unjustified according to the circumstances of the case I, therefore, keeping in view above discussion I am of the opinion that the punishment awarded to the workman by the management was fully justified and according to principles of natural justice. It does not call for any interference by this Tribunal. Parties are, however, left to bear their own costs. Award accordingly.

21st April, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 29 मई, 1997

का.आ. 1609--औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सारस्वत को-ऑपरेटिव बैंक लिमिटेड के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच अन्वन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचवट को प्रकाशित करती है जो केन्द्रीय सरकार को 28-5-97 को प्राप्त हुआ था।

[संख्या एन-12012/32/95-आई.आर. (बी-1)]

सनातन, डेस्क अधिवारी

New Delhi, the 29th May, 1997

S.O. 1609.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Saraswat Co-Op. Bank Ltd. and their workman, which was received by the Central Government on 28-5-97.

[No. L-12012/32/95-IR(B.I.)]

SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer
Reference No. CGIT-2/35 of 1996

Employers in relation to the management of Saraswat Co-Operative Bank Ltd.

AND

Their Workman

APPEARANCES :

For the Employer.—S/Shri K. M. Naik & S. P. Dhulapkar, Advocates.

For the Workmen.—Mr. V. H. Kantharia, Advocate.
Mumbai, dated 16th May, 1997

AWARD-PART-I

The Government of India, Ministry of Labour by its Order No. L-12012/32/95-IR(B.I) dated 23-7-96, had referred to the following Industrial Dispute for adjudication.

"Whether the action of Saraswat Co-op. Bank Ltd. in dismissing of workman Sh. Rajendra R. Khanvilkar, peon w.e.f. 16-9-94 is justified or not? What relief should be granted?"

2. R. R. Khanvilkar sent an application to the Saraswat Co-operative Bank for the post of peon in response to their circular dated 17-5-90. He contended that he is a sportsman and had played in National events of Carrom. The management was in search of a player for their Bank. He asserted that there was a settlement between the Bank and the Union dated 6-7-92 which provides recruitment in exceptional and deserving cases in consultation with the Union superseding the recruitment rules, so far as sportsman is concerned. The worker filled his application through his friend giving details of his eligibility for sportsman category. His date of birth was mentioned as 15-11-65 instead of 15-11-64. However he satisfied the eligibility criteria as laid down in the circular. In result he was called for written test.

3. The workman pleaded that he could get through from the written examination and later on from the oral interview. He was selected for the post of peon. Thereafter some detail inquiry in respect of his original certificates was carried out by the bank and then he was given a show cause notice dt. 4-3-93. He gave reply to the same notice on 30-3-93. The management did not accept the reply and then issued a chargesheet dt. 19-7-93. It is alleged that the worker committed forgery and dishonesty relating to birth date which amounts to grave misconduct as contemplated as per standing order No. 14(3)(b) and 14(5)(h).

4. The worker pleaded that one Kinnerkar was appointed as an enquiry officer. He always worked for the bank as an enquiry officer and submits report in favour of the management. It is alleged that the enquiry conducted against him is against the Principles of Natural Justice and his findings are perverse.

5. The workman pleaded that in an enquiry the relevant documents were not produced even though called for. It is asserted that the letter dated 29-1-93 issued by the school authorities was taken on record without being duly proved. Its original was not shown to workman or to his representative. It is submitted that the birth certificate which was produced from the Competent authority in the enquiry was not given due weightage by the enquiry officer while appreciating the evidence. It is averred that the enquiry officer did not consider the evidence before him properly and came to the wrong conclusion. It is submitted that for all these reasons the enquiry which was held against the workman has to be declared void and against the Principles of Natural Justice. He therefore prayed that he may be reinstated in service alongwith full back wages, continuity in service, with other reliefs.

6. The management resisted the claim by their written statement Exhibit-5. It is averred that the domestic enquiry which was held against the workman was as per the Principles of Natural Justice and the findings of the enquiry officer are based on the evidence before him. It is denied that the enquiry officer had a bias against the workman and he always sides the management in a domestic enquiry.

7. The management submitted that while filling of the application for the post of peon the worker gave incorrect date of birth. It is with a view to come into the eligibility. It is submitted that it is normal practice of the recruitment that after giving appointment also, the verification of the information is carried out. In the case of the workman when it was carried out it was traced out from the record which he submitted to the management. There is discrepancy so far as the birth date is concerned. Thereafter, the enquiry was made with the school authorities and it was found that in the school record the birth date is shown as 16-11-61. That takes him out of the eligibility. Thereafter a show cause notice was given to him and enquiry was conducted. It is submitted that the enquiry officer after carrying out enquiry as per the Principles of Natural Justice submitted his report finding the worker guilty of charges. Thereafter the disciplinary authority awarded the punishment to the workman following due procedure. It is averred that the worker is not entitled to any of the reliefs as claimed.

8. Issues are framed at Exhibit-8. The issues No. 1 and 2 are treated as Preliminary issue and my findings thereon are as follows :—

Issues	Findings.
1. Whether the domestic inquiry which was held against the workman was against the Principles of Natural Justice?	Yes.
2. Whether the findings of the Inquiry Officer are perverse?	Does not survive.

REASONS

9. To bolster up the case, the workman Rajendra Khanvilkar examined himself at Exhibit-9 and relied upon the documents produced alongwith Exhibit-7. As against this management examined Anil Naik Exhibit-14 the Presenting Officer and Rajesh Kinnerkar (Exhibit-17). the Inquiry officer to prove their case. They also relied upon the documents which they produced.

10. Rajendra, the workman affirmed that Mr. A. V. Naik who was Presenting Officer was witness on behalf of the management. He is an Industrial relation officer of the Bank and was material witness in the enquiry which was held against him. The enquiry officer Kinnerkar in his cross-examination admits the position that Anil Naik was the material witness.

11. Mr. Kantharia, the Learned Advocate for the Union argued that be a Presenting Officer cannot be a witness and on that ground the enquiry has to be held as against the Principles of Natural Justice. He relied upon a case between Anil Kumar Ghosh and Union of India (1) CLR p. 299. As against this Mr. Naik the Learned Advocate for the management placed reliance on a case between management of Glaxo (P) Ltd. and Presiding Officer, Labour Court Guntur 1993 1 LLJ p. 626. In the said authority their Lordships considered the ratio in Anil Kumar Ghosh case. It is also observed therein Presenting officer can examine himself as a witness and this does not violate principles of natural justice. While observing so Their Lordships has stated that the position of the Presenting Officer has to be seen. In the case before Their Lordships the Presenting Officer was not like that of Anil Kumar's case namely Investigating Officer, Presenting Officer and the witness. Mr. Naik the Learned advocate for the management submitted that here in this case Anil Naik only produced the documents on the record and nothing more. From the evidence of the inquiry officer, the case of Naik is quite different, he is a material witness. Not only that on page-11 of Exhibit-7 in an enquiry proceeding the role which is played by Naik has come on the record. He deposed that when it came to the light the discrepancies in the birth date on the instruction of the Manager of the Industrial Relations, he visited the Nare Park Municipal School, Parel, Bombay on 3-2-93 and

requested the Head Master to show the date of birth from the original school records. The original record was seen by him which was shown to him by the head master and it was at general registers Nos. 1943 and the birth date was 15-11-61. He had further deposed what had happened there in the school. Therefore, it has to be said the role which was played by Naik was that of an investigating officer also. Naturally the ratio given in the case of management of Glaxo India Ltd. has no application to the present set of facts, but the ratio given in Anil Kumar's case has an application. The result is that the Presenting Officer who is also an investigating officer is a witness in the matter, therefore the inquiry which was held against the workman is against the Principles of Natural Justice.

12. So far as the non production the merit list of the selected candidates are concerned, the witness in his cross-examination admits that he was not informed by his representative that the Bank informed the union regarding selection of 53 candidates. But so far as the non production of this list in the enquiry proceeding is concerned it has not affected the enquiry at all.

13. Mr. Naik the Learned Advocate for the management had argued in length contenting that the documents which were produced by the worker himself prove the charges against him. He relied upon the documents which are produced alongwith Exhibit-7 namely the photocopies on School leaving certificate produced by the worker at different occasion, letter given by the school authorities and other documents. But after coming to the conclusion that the enquiry was not fair, the management has to be given an opportunity to justify its action. At this time the arguments which is advanced by Mr. Naik has to be considered.

14. Giving finding on the issue whether the findings of the inquiry officer are perverse or not, at this juncture is meaning less. It is because the management has to be given an opportunity to justify its action. They may lead some evidence in support of their action and also rely upon the documents which are already on record. At that time the Tribunal sits as an inquiry officer to decide the matter, so far as that issue is concerned. At that time the different authorities which Mr. Naik the Learned Advocate for the management relied can be considered. In the result I record my findings on the issues accordingly and pass the following order :—

ORDER

The domestic inquiry which was held against the workman was against the Principles of Natural Justice.

The management is allowed to lead evidence to justify its action. S. B. PANSE, Presiding Officer

नई दिल्ली, 30 मई, 1997

का.प्रा. 1610.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक आफ बीकानेर एंड जयपुर कोटा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण कोटा/राजस्थान के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 29-5-97 को प्राप्त हुआ था।

[संख्या एल-12012/239/89-आई आर (बी-III/बी-I)]

सनातन, डेस्क अधिकारी

New Delhi, the 30th May, 1997

S.O. 1610.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of 1427 GI/97—25

the Industrial Tribunal, Kota/Rajasthan as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur, Kota and their workman, which was received by the Central Government on the 29-5-1997.

[No. L-12012/239/89-IR(B.3)] [B.I]

SANATAN, Desk Officer.

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज.

निर्देश प्रकरण प्रमांक:ओ.न्या. (केन्द्रीय)-23/89

दिनांक स्थापित : 23-11-89

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश

संख्या एल-12012/239/89-आई आर. (बी.-3)

दिनांक 20-11-89

औद्योगिक, विवाद अधिनियम, 1947

मध्य

गिराज प्रसाद खण्डेलवाल द्वारा उपमहासचिव, आल राजस्थान एस.बी.बी.जे. एम्प्लॉयज एसोसिएशन द्वारा स्टेट बैंक आफ, बीकानेर एण्ड जयपुर, कोटा सिटी ब्रांच, कोटा।
—प्रार्थी श्रमिक

एवं

क्षेत्रीय प्रबन्धक, स्टेट बैंक आफ, बीकानेर एण्ड जयपुर, एण्डस्ट्रियल स्टेट, कोटा।
—प्रतिपक्षी नियोजक

उपस्थित

श्री आर. के. चावान

आर.एच.जे. एस.

प्रार्थी श्रमिक की ओर से प्रतिनिधि:—श्री सतीश कुमार बक्शी
प्रतिपक्षी नियोजक की ओर से प्रतिनिधि श्री सी.बी. सोरल
अधिनियम दिनांक : 3-4-97

अधिनियम

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जायेगा) की धारा 10(1) (घ) के अन्तर्गत इस न्यायाधिकरण को अधिनियमाथ सम्प्रेषित किया गया है—

Whether the action of the Regional Manager, S.B.B.J., Kota punishing Shri Giriraj Prasad Khandelwal, Clerk, by way of stopping one increment without cumulative effect vide letter dated 11-8-88 is justified? If not, what relief the workman is entitled to?"

2. निवेदन न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी। प्रार्थी श्रमिक गिरजी प्रसाद खण्डेलवाल के संबंध में प्रार्थी यूनियन की ओर से क्लेम स्टेटमेंट प्रस्तुत कर संक्षेप में तथ्य इस प्रकार अंकित किये हैं कि प्रार्थी राजभवन रोड, कोटा स्थित गाथा/स्टेट बैंक आफ बीकानेर एण्ड जयपुर में लिपिक के पद पर पदस्थापित था। उसे 14-12-87 को एक आरोप-पत्र प्रतिपक्षी द्वारा दिया गया कि उसने दिनांक 19-6-87 को एक बैंक ग्राहक एस. एल. सोमानी को अपने खाते से राशि निकालवाने का बचत आहरण पक्ष अंकित करने से मना किया व उसके साथ दुर्व्यवहार किया। इस आरोप-पत्र की जांच के आधार पर अनुशासनिक अधिकारी ने प्रार्थी की 70 रु. प्रतिमाह की एक वार्षिक वेतन वृद्धि बिना संचय प्रभाव के रोकने का दण्ड दिया जिसकी विभागीय अपीलीय अधिकारी ने भी 5-12-88 के आदेश में पुष्टि की। आगे कथन किया गया है कि प्रार्थी को विभागीय जांच में पूर्ण अवसर नहीं दिया गया। बचाव पक्ष द्वारा प्रस्तावित गवाह एस. आर. भीणा को गवाही में प्रस्तुत नहीं किया गया। जांच के दौरान गवाहों से लीडिंग प्रश्न पूछे गये। जांच अधिकारी ने विभाग का पक्ष लेकर प्रार्थी के विरुद्ध विभागीय जांच में सही सिर्णय नहीं दिया जिसे अपास्त किया जावे व प्रतिपक्षी द्वारा दिये गये दण्ड को निरस्त किया जावे।

3. प्रतिपक्षी नियोजक की ओर से अपने जवाब में यह कहा गया है कि प्रार्थी को एक वार्षिक वेतन वृद्धि विभागीय जांच के निर्णय के पश्चात् रोक दी गयी। प्रार्थी को जांच अधिकारी ने बचाव का पूर्ण अवसर दिया, गवाहान के बयान लिये, जांच अधिकारी ने प्रार्थी से किमो प्रकार का द्वेष नहीं था, जांच अधिकारी ने नियमानुसार साक्ष्य अंकित की है, अतः जांच पूर्ण रूप से उचित एवं न्याय के नैसर्गिक सिद्धांतों के अनुरूप की गयी है जिसमें किसी प्रकार के हस्तक्षेप की कोई गुंजाईश नहीं है और प्रार्थी का क्लेम खारिज किया जावे।

4. बहस जांच की उचितता एवं वैधता व प्रार्थी को दिये गये दण्ड पर सुनी गयी।

5. प्रार्थी के विरुद्ध यदि जांच प्रतिपक्षी द्वारा जो करवायी गई है वह उचित एवं वैध मान ली जाती है तो विधि का यह सर्वसम्मत मत है कि प्रार्थी को दिये गए दण्ड के संबंध में कोई अनुतोष इस न्यायाधिकरण में प्राप्त नहीं होगा।

6. प्रार्थी की ओर से विद्वान प्रतिनिधि ने प्रार्थी के विरुद्ध की गयी विभागीय जांच के संबंध में मुख्य रूप से यह एतराज किया है कि प्रतिपक्षी ने प्रार्थी द्वारा प्रस्तावित गवाह एस. आर. भीणा को साक्ष्य में पेश नहीं किया

जोकि इस मामले का मुख्य गवाह था। जांच के दौरान जांच अधिकारी के समक्ष प्रतिपक्षी पक्ष द्वारा लीडिंग प्रश्न पूछे गये हैं जो कि न्यायोचित नहीं था। जांच अधिकारी द्वारा जांच का निष्कर्ष निकालने के उपरान्त श्रमिक के विरुद्ध आरोप प्रमाणित माना है जो भी सही नहीं है एवं न्याय के नैसर्गिक सिद्धांतों के विपरीत है। अतः प्रार्थी को जो प्रतिपक्षी द्वारा एक वार्षिक वेतन वृद्धि रोकने का दण्ड दिया गया है वह अपास्त किया जावे।

7. प्रतिपक्षी नियोजक की ओर से यह बहस की गयी है कि एस. आर. भीणा को गवाह के रूप में पेश नहीं करने से इस जांच पर कोई विपरीत असर नहीं पड़ता है। प्रार्थी के विरुद्ध न्याय के नैसर्गिक सिद्धांतों के अनुरूप जांच अधिकारी ने नियमानुसार जांच की है। प्रार्थी को बचाव का पूर्ण अवसर दिया गया है, गवाहान से जिरह करवायी गयी है, जांच अधिकारी ने अपनी रिपोर्ट में पूर्ण विवरण सहित जो निष्कर्ष निकाला है वह सही निकाला है जिसमें हस्तक्षेप की कोई गुंजाईश नहीं है। जहां तक जांच अधिकारी द्वारा लीडिंग प्रश्न पूछने का सवाल है, विभागीय जांच में भारतीय साक्ष्य अधिनियम के प्रावधान लागू नहीं होते। विभागीय जांच के दौरान अधिकारी द्वारा सभी गवाहान से सामान्य प्रश्न पूछे गये हैं। प्रार्थी के विरुद्ध जांच अधिकारी द्वारा आरोपित आरोप सिद्ध पाये जाने व जांच रिपोर्ट से सहमत होकर प्रतिपक्षी द्वारा जो एक वार्षिक वेतन वृद्धि रोकने का दण्ड दिया गया है वह उदारता बरतते हुए दिया गया है। प्रार्थी द्वारा बैंक सेवा में जो ग्राहक भगवान के रूप में आते हैं, व्यवधान किया। इस प्रकार प्रार्थी के कृत्य से सामान्य मस्तिष्क वाले व्यक्ति की निगाह में बैंक की शाख गिरती है जो कि प्रतिपक्षी बैंक एक सार्वजनिक बैंक है। अतः प्रार्थी के विरुद्ध की गयी जांच एवं दण्डादेश में किसी प्रकार के हस्तक्षेप की कोई गुंजाईश नहीं है।

8. मैंने पक्षकारों की उक्त बहस पर गौर किया व जांच अधिकारी द्वारा की गयी जांच की पवायली देखी जांच अधिकारी ने प्रार्थी को दिये गये आरोप-पत्र की नियमानुसार जांच की, गवाहान के बयान लिये, प्रार्थी को गवाहान से जिरह करने का पूर्ण अवसर दिया व प्रार्थी के बचाव पक्ष को अंकित किया। जांच अधिकारी से प्रार्थी का कोई द्वेष नहीं था। जांच अधिकारी ने नियमानुसार जांच सम्पूर्ण की व जांच अधिकारी के निष्कर्ष से सहमत होकर अनुशासनिक अधिकारी ने प्रार्थी के कृत्य व सेवा को मध्य नजर रखते हुए संतुलित दण्डादेश पारित किया है। मैंने इस संबंध में जांच अधिकारी आर. एच. गुप्ता की दो हुई रिपोर्ट को अतिसूक्ष्म रूप से अध्ययन किया एवं उसमें अंकित साक्ष्य का पूर्ण अवलोकन किया। प्रार्थी को दण्डादेश दिये जाने से पूर्व नोटिस दिया जाकर भी सुना गया है। प्रार्थी ने अपने बचाव में अपना पक्ष प्रस्तुत किया है। इस सबके बाद ही प्रार्थी के विरुद्ध दण्डादेश पारित किया गया है।

9. अतः मेरी विनम्र राय में प्रार्थी के विरुद्ध जांच अधिकारी द्वारा जो जांच की गयी है उसमें गवाह एम. आर. मीणा के पेश नहीं होने से गृह नहीं माना जा सकता कि प्रार्थी के विरुद्ध आरोपित आरोप साबित नहीं है। जांच अधिकारी ने साक्ष्य का पूर्ण रूप से विवेचन करके ही अपना निष्कर्ष निकाला है। जांच अधिकारी ने गवाहाना में जो प्रश्न पूछे हैं उनका भी मैंने जांच की पत्रावली में देखा है। मेरी विनम्र राय में जांच अधिकारी द्वारा पूछे गये प्रश्नों से भी प्रार्थी के विरुद्ध की गयी जांच पर कोई विपरीत असर नहीं पड़ता है। अतः प्रार्थी के विरुद्ध की गयी जांच पूर्ण रूप से उचित एवं विधिपूर्ण व नैतिक न्याय सिद्धांतों के अनुरूप है जिसमें किसी प्रकार से कोई हस्तक्षेप करने की गुंजाइश नहीं समझी जाती और परिणामस्वरूप प्रार्थी को जो एक वार्षिक वेतन वृद्धि बिना संचय प्रभाव के रोकने का दण्ड प्रतिपक्षी द्वारा दिया गया है वह भी न्यायोचित है, फलस्वरूप प्रार्थी किसी प्रकार की कोई राहत प्राप्त करने का अधिकारी समझें जाने योग्य नहीं है।

10. उक्त सम्पूर्ण विवेचन के आधार पर भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निर्देश को इस प्रकार उत्तरित किया जाता है कि प्रतिपक्षी रीजनेल मैनेजर, स्टेट बैंक आफ बीकानेर एण्ड अजमेर, कोटा द्वारा अपने पत्र दिनांक 11-8-88 के जरिये जो प्रार्थी गिरजी प्रसाद खण्डेलवाल लिपिक को एक वार्षिक वेतन वृद्धि बिना संचय प्रभाव के रोक दी गयी है वह उचित एवं वैध है, फलस्वरूप प्रार्थी किसी प्रकार की कोई राहत प्राप्त करने का अधिकारी नहीं है।

इस अधिनिर्णय को समुचित सरकार को नियमानुसार प्रकाशनार्थ भिजवाया जावे।

आर.के. जाचान, न्यायाधीश

नई दिल्ली, 30 मई, 1997

का.आ. 1611—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे, कोटा, के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा, राजस्थान के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-5-97 को प्राप्त हुआ था।

[संख्या एल-41012/91/92-आईआर (डीयू)बी-1]

सनातन, डेस्क अधिकारी

New Delhi, the 30th May, 1997

S.O. 1611.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Western Railway, Kota as shown in the

Annexure in the Industrial Dispute between the employers in relation to the management of Kota, Rajasthan and their workmen, which was received by the Central Government on 29th May, 1997.

[No. L-41012/91/92-IR(DU)B:1]

SANATAN, Desk Officer

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण, केन्द्रीय/कोटा, राज.
निर्देश प्रकरण क्रमांक : ओ. न्या. (केन्द्रीय)-30/93
दिनांक स्थापित : 20-10-93

प्रसंग : भारत सरकार श्रम मंत्रालय, नई दिल्ली के आदेश
संख्या एल 41012/91/92-आईआर

(डी यू) दि 12-10-93

औद्योगिक विवाद अधिनियम, 1947

मध्य

चतुर्भुज द्वारा डिबीजनल सेक्रेटरी, पश्चिम रेलवे कर्मचारी परिषद्, भीम गंज मण्डी, कोटा जैकशन, कोटा।

—प्रार्थी श्रमिक

एवं

डिबीजनल रेलवे मैनेजर, वेस्टर्न रेलवे कोटा डिबीजन, कोटा।
प्रतिपक्षी नियोजक

उपस्थित

श्री आर. के. जाचान,

आर. एच. जे. एस.

प्रार्थी श्रमिक की ओर से प्रतिनिधि : —श्री ए. डी. शोबर्न
प्रतिपक्षी नियोजक की ओर से प्रतिनिधि : श्री सी. एम.
शर्मा, विधि सहायक

अधिनिर्णय दिनांक 26-4-97

अधिनिर्णय

भारत सरकार श्रम मंत्रालय, नई दिल्ली द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरास्त "अधिनिर्णय" से संबोधित किया जावेगा) की धारा 10 (17घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णय सम्प्रेषित किया गया है :—

"Whether the action of Railway Administration in not giving promotion to Shri Chatur Bhuj, Head Clerk, DRM Office, Kota w.e.f. 1-4-1988 when the vacancies against SC quota were applicable is legal and justified? If not, what relief the concerned workman is entitled to and from what date?"

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी। प्रार्थी श्रमिक चतुर्भुज के संबंध में प्रार्थी यूनियन की ओर से क्लेम स्टेटमेंट प्रस्तुत कर संक्षेप में तथ्य इस प्रकार अंकित किये गये हैं कि प्रार्थी श्रमिक चतुर्भुज प्रतिपक्षी विभाग में आदेश दिनांक 28-8-87/2-9-87 के अनुसार वरिष्ठ लिपिक के वेतनमान 1200-2040 (आर पी) में वर्क्स, बजट, स्टोर, मेडिकल (डब्ल्यू बी एस एम) ग्रुप में प्रतिपक्षी के यहाँ कार्यरत था। कोटा मण्डल में वर्क्स, बजट, स्टोर मेडिकल (डब्ल्यू बी एस एम) ग्रुप में 1-4-88 को कुल केडर 238 पदों का था। दि० 1-4-88 को इस ग्रुप में केडर के अनुसार वेतनमान 1400-2300 (आर पी) में अनुसूचित जाति के प्रधान लिपिकों की संख्या 11 बनती है तथा 8 पदों को ही अनुसूचित जाति के पात्र उम्मीदवारों द्वारा भरा गया था, इससे स्पष्ट है कि 3 पद प्रधान लिपिक वेतनमान 1400-2300 (आर पी) के खाली थे और 3 पदों का शार्ट फाल प्रतिपक्षी ने बनाये रखा। प्रतिपक्षी द्वारा एक अन्य व्यक्ति सूरजप्रकाश को दिनांक 28-3-89 के आदेश द्वारा सीनियर क्लर्क के वेतनमान 1200-2040 में नियमित किया गया व उसके बाद 16-11-90 के आदेश द्वारा ही उसे प्रधान लिपिक के वेतनमान 1400-2300 में नियमित किया गया जिसे दो वर्ष पूर्ण नहीं हुए थे। अतः प्रार्थी को भी दि० 1-4-88 से हेड क्लर्क (प्रधान लिपिक) के पद पर पदोन्नत करवा कर उस अनुरूप वेतनमान दिलवाया जावे।

3. प्रतिपक्षी नियोजक की ओर से जवाब में यह एतराज लिया गया है कि विभागीय नियमों के अनुसार 2 वर्ष पूर्ण नहीं करने पर प्रार्थी को पदोन्नति नहीं दी गयी। तदुपरान्त अनुसूचित जाति कर्मचारी के रिक्त पद उपलब्ध होने पर प्रार्थी को दि० 19-6-91 को पदोन्नति दी गयी है अतः प्रार्थी का क्लेम खारिज किया जावे।

4. प्रार्थी चतुर्भुज की ओर से साक्ष्य में स्वयं का शपथ पत्र प्रस्तुत किया गया जिससे प्रतिपक्षी नियोजक प्रतिनिधि ने जिरह की। प्रतिपक्षी नियोजक की ओर से गवाह ओम प्रकाश साहू का शपथ पत्र प्रस्तुत हुआ है जिससे श्रमिक प्रतिनिधि ने जिरह की है। बहस अन्तिम सुनी गयी व पत्रावली का अवलोकन किया गया। प्रार्थी पक्ष की ओर से लिखित बहस भी प्रस्तुत हुई जिसका तथा पत्रावली का ध्यानपूर्वक अवलोकन किया गया।

5. प्रार्थी प की ओर से विद्वान प्रतिनिधि ने बहस की है कि प्रतिपक्षी द्वारा तथाकथित विभागीय आदेश प्रार्थी पर लागू नहीं होते क्योंकि रेलवे बोर्ड के नियमों के अनुसार अनुसूचित जाति के लिए 15% कोटा है तथा 1-4-88 को केडर के अनुसार अनुसूचित जाति के 11 पद प्रधान लिपिक के अन्तर्गत हैं जिनमें से मात्र 8 अनुसूचित जाति के उम्मीदवार प्रधान लिपिक के वेतनमान 1400-2300 (आर पी) के पद पर कार्यरत थे एवं 3 पद रिक्त थे। इस बात को प्रतिपक्षी के गवाह ने अपने वयान में स्वीकार किया है।

प्रार्थी कर्मकार दि० 1-4-88 से ही प्रधान लिपिक के वेतनमान 1400-2300 (आर पी) के शार्ट-फाल को पूरा करने के लिए पात्र था, परन्तु प्रतिपक्षी ने जानबूझकर द्वेष की भावना रखकर अनुसूचित जाति के कर्मचारी को यह लाभ नहीं दिया। विद्वान प्रतिनिधि ने यह भी बहस की है कि विभागीय आदेश प्रार्थी कर्मकार पर लागू नहीं होते। रेलवे बोर्ड के नियमों के अनुसार 1-4-88 को 11 पदों में से मात्र 8 पद प्रधान लिपिक के वेतनमान 1400-2300 (आर पी) के भरे हुए थे एवं 3 पद रिक्त थे तथा प्रार्थी कर्मकार इसका लाभ प्राप्त करने का अधिकारी था जो प्रतिपक्षी ने नहीं दिया। प्रतिपक्षी ने सूरजप्रकाश नाम के व्यक्ति को वरिष्ठ लिपिक का वेतनमान 1200-2040 दिनांक 28-3-89 को दिया व इसके पश्चात् कार्यालय आदेश दि० 16-11-90 के द्वारा ही सूरजप्रकाश को प्रधान लिपिक के वेतनमान 1400-2300 (आर पी) में पदोन्नति दे दी गयी। इससे स्पष्ट है कि सूरजप्रकाश को 1 वर्ष 7½ माह की अवधि में ही प्रधान लिपिक के पद पर पदोन्नति दे दी गयी जबकि उसे नीचे के स्तर के वेतनमान में 2 वर्ष पूर्ण नहीं हुए थे। अतः प्रतिपक्षी का यह कथन कि प्रार्थी को 2 वर्ष के पश्चात् ही अगले वेतनमान में पदोन्नत किया जायेगा, सर्वथा गलत है।

6. प्रतिपक्षी की ओर से विभागीय गवाह के रूप में ओमप्रकाश साहू प्रधान लिपिक डी आर एम ओफिस, कोटा पेश हुआ है। इस गवाह की जिरह से स्पष्ट है कि यह गवाह तथ्यों के बारे में कोई जानकारी नहीं रखता व न ही इस गवाह को प्रार्थी के पदोन्नति प्रकरण के बारे में कोई जानकारी है। प्रतिपक्षी विभाग का कोई अधिकारी स्तर का व्यक्ति जिसे प्रार्थी के मामले को डील करने हेतु आदेश दिये हैं, पेश नहीं हुआ है।

7. प्रतिपक्षी की ओर से विद्वान प्रतिनिधि ने उक्त बहस का जवाब देते हुए कहा है कि प्रार्थी को दि० 1-4-88 से हेड क्लर्क के पद पर अनुसूचित जाति के कोटे में इसलिए पदोन्नति नहीं दी गयी कि प्रार्थी ने 28-8-87 को वरिष्ठ लिपिक के वेतनमान 1200-2040 को पदोन्नति के बाद 1-4-88 को 2 वर्ष की सेवा पूर्ण नहीं की थी। इस संबंध में रेलवे बोर्ड के कोई नियम नहीं बने हुए हैं व न ही कोई रेलवे बोर्ड का आदेश पेश हुआ है। पत्रावली पर प्रतिपक्षी के इस तर्क को स्वीकार करने के लिए कोई साक्ष्य उपलब्ध नहीं है। जहां तक प्रतिपक्षी की ओर से विभाग का कोई सक्षम अधिकारी साक्ष्य में क्यों नहीं पेश हुआ, प्रतिपक्षी प्रतिनिधि इसमें अपनी असमर्थता प्रकट करते हैं।

8. मैंने पक्षकारों द्वारा की गयी उक्त बहस पर गौर किया व पत्रावली तथा साक्ष्य का भी ध्यानपूर्वक अवलोकन किया।

9. प्रार्थी चतुर्भुज ने अपने शपथ पत्र में अपने क्लेम की ताईद करते हुए यह कहा है कि प्रार्थी को दिनांक 1-4-88 से अनुसूचित जाति के कोटे में हेड क्लर्क के पद पर उपलब्ध

होते हुए भी जानबूझकर प्रतिपक्षी द्वारा पदोन्नति नहीं किया गया, जबकि प्रतिपक्षी द्वारा ही एक अन्य व्यक्ति सूरजप्रकाश को वरिष्ठ लिपिक का वेतनमान/पदोन्नति देने के दो वर्ष पूर्व ही प्रधान लिपिक के वेतनमान 1400-2300 में पदोन्नति दे दी। अतः प्रार्थी के साथ अनुसूचित जाति का सदस्य होने के कारण प्रताड़ित करने व अधिक नुकसान पहुंचाने के लिए भेदभाव किया गया है।

10. प्रतिपक्षी के गवाह ओमप्रकाश साहू प्रधान लिपिक ने अपने शपथ-पत्र की जिरह में कहा है कि मुझे पता नहीं कि 1-4-88 को प्रधान लिपिक के कितने पद खाली थे। प्रार्थी श्रमिक की सीनियर लिपिक के पद पर कब पदोन्नति हुई, तारीख याद नहीं। सूरजप्रकाश की प्रधान लिपिक के पद पर कब पदोन्नति हुई, तारीख याद नहीं। मेरे शपथ-पत्र के पैरा नं. 6 में जो लिखा है वह सही है। सूरजप्रकाश को दो वर्ष कब पूर्ण हुए, मुझे पता नहीं।

11. इस प्रकार उक्त साक्ष्य के विश्लेषण से यह स्पष्ट है कि प्रतिपक्षी की ओर से जो ओम प्रकाश साहू गवाह पेश हुआ है वह प्रतिपक्षी के कार्यालय में प्रधान लिपिक है जिसे इस प्रकरण की वस्तु स्थिति का ज्ञान नहीं है व न ही शपथ-पत्र की जिरह में पूछे गये प्रश्नों का सही जवाब दे पाया है। प्रतिपक्षी विभाग भारत सरकार का उपक्रम है तथा कोटा स्थित मण्डल रेल प्रबंधक का मुख्यालय है; इसके बावजूद भी न्यायालयधिकरण में सक्षम अधिकारी उपस्थित नहीं होते जिससे भारत सरकार के उपक्रम का प्रतिपक्षी का उदासीनता एवं लापरवाही के कारण अपार आर्थिक हानि उठानी पड़ती है। मैंने इस संबंध में प्रतिपक्षी के विद्वान प्रतिनिधि से भी बार-बार निवेदन किया है एवं इस मामले में भी जानना चाहा तो उन्होंने अपने आपको असहाय महसूस किया।

12. इस प्रकार पत्रावली पर उपलब्ध साक्ष्य के विश्लेषण एवं विवेचन से यह स्पष्ट है कि प्रार्थी चतुर्भुज को दिनांक 1-4-88 को प्रतिपक्षी द्वारा प्रतिपक्षी के यहां हैड क्लर्क के पद पर अनुसूचित जाति के कोटे में पदोन्नति दी जानी चाहिए थी जिसको न देने का केवल मात्र कारण प्रार्थी द्वारा प्रथम पदोन्नति से दो वर्ष पूर्ण नहीं होना बतलाया है, परन्तु इस संबंध में कोई आदेश प्रस्तुत नहीं किया गया है। जबकि प्रार्थी की ओर से रेलवे बोर्ड के आदेश पेश किये गये हैं जिसके अनुसार एक अन्य व्यक्ति सूरजप्रकाश को प्रतिपक्षी ने ही दो वर्ष पूर्व ऐसी पदोन्नति दी है।

13. अतः मेरी विनम्र राय में प्रतिपक्षी नियोजक द्वारा प्रार्थी श्रमिक चतुर्भुज को दिनांक 1-4-88 से अनुसूचित जाति के कोटे से हैड क्लर्क (प्रधान लिपिक) के पद पर पदोन्नति नहीं करना उचित एवं वैध नहीं है; फलस्वरूप प्रार्थी चतुर्भुज इसी तिथि से यह पदोन्नति प्राप्त करने का अधिकारी समझे जाने योग्य है।

14. मैं अन्त में यह अंकित करना भी न्यायाधिकार समक्षता हूँ कि भारत सरकार के रेलवे बोर्ड के इस न्यायाधिकरण न्यायालय में बहुत से मामले चल रहे हैं। इस

मामले में व अन्य मामलों में भी प्रतिपक्षी के कोटा स्थित विभाग के सक्षम अधिकारी पूर्ण रूप से ध्यान नहीं रखते इस न्यायाधिकरण न्यायालय में अक्सर क्लर्क या हेड क्लर्क को भेजकर ही न्याय प्राप्त करना चाहते हैं, जबकि कानून की मशा इसके विपरीत है। इस न्यायाधिकरण न्यायालय में रेलवे विभाग या अन्य विभाग की ओर से जब कोई भी अधिकारी प्रभारी अधिकारी के रूप में उपस्थित होता है तो वह नियमानुसार "राजपति अधिकारी" स्तर का होता चाहिए, परन्तु प्रतिपक्षी की ओर से ऐसा नहीं किया जाता। इस मामले में भी प्रतिपक्षी को ओर से श्री ओम प्रकाश साहू के अलावा अन्य गवाहों को पेश नहीं किया गया जिससे प्रतिपक्षी अपने केस को साबित करने में असफल रहा है। अतः मेरे इस अधिनिर्णय की एक प्रति महा प्रबंधक पश्चिम रेलवे चर्च गेट बम्बई को अर्द्धशासकीय पत्र के साथ इस ओक्षा के साथ प्रेषित की जाये कि भविष्य में इस प्रकार की पुनरावृत्ति न हो।

15. अतः उक्त सम्पूर्ण विवेचन के आधार पर भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निर्देश को इस प्रकार उत्तरित किया जाता है कि डिबीजनल रेलवे मैनेजर, वैस्टर्न रेलवे, कोटा डिबीजन, कोटा द्वारा प्रार्थी श्रमिक चतुर्भुज को दिनांक 1-4-88 से अनुसूचित जाति के कोटे से हैड क्लर्क (प्रधान लिपिक) के पद पर पदोन्नति नहीं करना उचित एवं वैध नहीं है, फलस्वरूप प्रार्थी चतुर्भुज इसी तिथि से यह पदोन्नति एवं संश्लेष लाभ प्राप्त करने का अधिकारी है।

इस अधिनिर्णय को समुचित सरकार को नियमानुसार प्रकाशनार्थ भिजवाया जावे।

आर० के०. चाचान, न्यायाधीश

नई दिल्ली, 4 जून, 1997

का.आ. 1612.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आहिकश प्राथमा बैंक मुरादाबाद के प्रबन्धतल के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-6-97 को प्राप्त हुआ था।

[संख्या एल-12012/3/93-आईआर (बी-1)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 4th June, 1997

S.O. 1612.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ahhyksh Pathma Bank Moradabad and their work-

man, which was received by the Central Government on the 3-6-1997.

[No. L-12012/3/93-IR(B.I.)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR KANPUR

Industrial Dispute of 41 of 1993

In the matter of Dispute between :

Munish Kumar S/o Shri Kanhaiya Singh C/o Jiwan Ram Saini, Ketghar Mahboobla Ganj (near Avinash Chan Advocate) Moradabad

AND

Ahhyksh Pathma Bank Pradhan Karyalaya Nainital Road Moradabad.

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-12012/3/93-I.R. (B-I) dated 7-4-1993 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Prathma Bank in terminating the services of Shri Munish Kumar S/o Shri Kanhaiya Singh w.e.f. 13-9-1987 is legal and justified? If not, to what relief the workman is entitled to and from which date?"

2. There is no dispute that the concerned workman Munish Kumar was engaged as a daily rated worker by the opposite party Prathma Bank on 7-7-1986 as part time messenger. It is alleged that still he was required to work from 9.30 A.M. to 6 P.M. and was paid Rs. 7 per day as wages, which was raised to Rs. 15 per day later on. He was doing the work of permanent nature. He continued to work upto 12-9-1987 and in this way he has completed 240 days in a year. After his termination one Sonu by name was engaged but no opportunity was given to him. In this way there was breach of Section 25F and H I.D. Act.

3. In the written statement it is not disputed that the concerned workman was engaged on 7-7-1986. It is further alleged that he was engaged for the fixed period. His termination came to an end automatically after expiry of fixed period. In any case he had not completed 240 days in year. Hence there has been no breach of Section 25F I.D. Act. There is no specific denial regarding breach of Section 25H I.D. Act. By way of amendment it was alleged that the date of birth of concerned workman is 1-12-1971. Hence at the time of engagement on 7-7-1986 he was a minor. Hence he could not be engaged. In view of this illegal engagement, the concerned workman is not entitled for reinstatement.

4. In the rejoinder nothing new has been alleged.

5. There is ext. M-1, an application of Munish Kumar in which he had admitted that he was minor. There Ext. M-2 copy of Mark Sheet in which his date of birth is shown as 1-12-1971. Thus from this it is established that concerned workman was about 15 years old. It is alleged that according to Rules a minor could not be engaged in service. During the course of argument it was enquired from the A. Rep. of the Bank as to whether there was any prescribed age according to Rules. The Au. Rep. informed that he would submit the same before Tribunal but it has not been done so far. Still since employment in the matter of contract it will be bad in law as the concerned workman was sufferer from legal disability of minority. There I think concerned workman will not be entitled for reinstatement. The concerned workman has filed a list of 25 candidates who were engaged while they were minor and are still in service. Hence at least on this ground the concerned workman will be entitled for at least fresh chance in case he is found to have worked more than 240 days and further there has been breach of Section 25F I.D. Act.

5. The concerned workman Punish Kumar WW-1 he has stated that he had worked from 7-7-1986 upto 12-9-1987 continuously when he was removed from service. There is no cross examination on this point instead the cross examination centres round the wages and date of birth. Thus the fact about continuously working for more than 240 days has not been tested by way of cross examination. Akhilesh Kumar MW(1) is the branch Manager he has also not stated about the number of days of the working of concerned workman instead he had made statement about minority of concerned workman at the time of engagement. Thus the evidence regarding number of days of working is un rebutted against the concerned workmen. Hence I accept it. It is held that the concerned workman had completed 240 days in a year when he was removed from service.

It is also established from the unchallenged evidence of concerned workman that one Sonu has been engaged in his place but no opportunity was given to him. In this way breach of Section 25-H is also established. In view of above discussion my award is that the termination of concerned workman was bad but he will not be entitled for reinstatement or any back wages. Instead the concerned workman will be entitled for fresh appointment at place at post at which he was working, within one month from the date of publication award.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली; 4 जून, 1997

का.प्र. 1613.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्दन रेलवे इलाहाबाद के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण,

कानपुर के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-6-97 को प्राप्त हुआ था।

[संख्या एन. 41011/41/92-आई आर (डीयू)/बी-1]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 4th June, 1997

S.O. 1613.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, KANPUR as shown in the Annexure, in the industrial dispute between the employers in relation to the management of NORTHERN RLY, Allahabad and their workman, which was received by the Central Government on the 3-6-1997.

[No. L-41011/41/92-IR. (DU) (B. I)]

P. J. MICHAEL, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR.
Industrial Dispute No. 94 of 1993.

In the matter of dispute between :

Divisional Railway Manager, Personnel Northern Railway, Allahabad.

AND

Dinanath Tiwari Divisional Northern Presiding Uttar Railway Karamchari Union, 2 Navin Market, Parade, Kanpur.

AWARD-- EXPARTE

1. Central Government, Ministry of Labour, New Delhi, vide its Notification Number L-41011/41/92-IR(DU), dated 8-10-1993, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of Divisional Railway Manager, Northern Railway, Allahabad in terminating the services of Shri Sitaram and Netrapal w.e.f. 19-8-1989 and Shri Raj Kumar and Lalji w.e.f. 23-3-1986 is justified? If not, what relief the workmen concerned are entitled to?

In this case there are four workmen namely, Sitaram, Netrapal, Raj Kumar and Lalji. The case of concerned workman Sitaram is that he was engaged on 29-6-1972 as casual Khalasi whereas Netrapal was engaged on 14-10-1972 and Raj Kumar was engaged on 20-3-1970 whereas Lalji was engaged on 6-8-1977. They continued to work for more than 120 days. Even they had completed 240 days, in a years, hence they had acquitted temporary status. Yet the services of Sitaram and Netrapal were illegally terminated w.e.f. 19-8-1989 and Raj Kumar and Lalji were removed on 23-3-1986 in utter breach of section 25-FG and of I.D. Act, hence this termination is bad.

2. The opposite party has failed to file written statement, inspite of sufficient opportunity. Hence the case proceeded exparte against them.

3. In support of their case the concerned workman Netrapal W.W. 1 has examined himself and have proved the case of all the workmen. It also corroborates from Ext. W-1 to W-4. In this way the case of the concerned workmen is proved to the hilt.

4. Accordingly, my award is that termination of concerned workmen is bad in law and they will be entitled for reinstatement with back wages from the date of reference.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 4 जून, 1997

का.आ. 1614.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया, कानपुर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-6-97 को प्राप्त हुआ था।

[संख्या एन-12012/67/79-डी-IIए/बी-1]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 4th June, 1997

S.O. 1614.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, Kanpur and their workman, which was received by the Central Government on the 3-6-97.

[No. L-12012/67/79-D-IIA(B.I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

Industrial Disputes Nos. 235 of 1983 and 57 of 1984

In the matter of dispute :

BETWEEN

The General Secretary,
U.P. Bank Employees Federation,
26/104, Birhana Road, Kanpur

(I.D. 57 of 84)

Swarup Narain Pandey,
C/o U.P. Bank Employees Federation,
26/104, Birhana Road, Kanpur.

(I.D. 235 of 83)

AND

The Management of State Bank of India,
through, The Chief Manager, State Bank of India,
Mahatma Gandhi Marg, Kanpur.

APPEARANCE :

S. N. Sharma—for the Management
Km. Nasta Mathur and O. P. Mathur—for
the Workmen.

AWARD

1. Central Government, Ministry of Labour,
New Delhi, has referred the following dispute for
adjudication to this Tribunal—

1. Vide Notification No. L-12012/167/79-D.II
(A), dated 2-5-1984.

Whether the action of the management of
State Bank of India, Kanpur in termi-
nating the services of S/Sri Hori Lal,
Sunder Lal, Hari Shanker and Brahm
Prakash w.e.f. 30-8-78, 17-11-78,
16-8-78 and 16-11-78 respectively was
justified in view of the provisions of
Section 25G and H of Industrial Dispu-
tes Act, 1947 ? If not, to what relief
each of them is entitled ?

1. Vide Notification No. L-12012/52/83-B.II
(A) dated 2-5-84.

Whether the action of the management of
State Bank of India in relation to their
main branch, Kanpur, in terminating
the services of Sri Swarup Narain Pan-
dey casual labour with effect from
16-8-73 is justified ? If not, to what
relief is the concerned workman entit-
led ?

2. The aforesaid two references were consoli-
dated and decided by my learned predecessor vide
award dated 18-3-86 in favour of the workmen.
The management filed writ petition No. 12815 of
86 against award in I.D. No. 235 of 1983 and
writ petition No. 12816 of 1986 against award
in I.D. No. 57 of 1984. Hon'ble High Court
vide judgment and order dated 24-5-96 has re-
manded the case.

3. In I.D. No. 235 of 83, the case of the con-
cerned workman Swarup Narain Pandey is that
he was engaged as a peon messenger on 16-9-75
and worked upto 16-8-78 in broken periods. He
was engaged as a casual labour but was doing the

work of permanent nature. While removing the
concerned workman the opposite party State Bank
of India has committed breach of Sections 25F,
25G and 25H of Industrial Disputes Act, 1947.
Hence, the termination is bad in law.

4. In I.D. Case No. 57 of 86 there are four
workmen, namely, Hori Lal, Sunder Lal, Hari
Shanker and Brahm Prakash. The case of Hori
Lal is that he worked from 11-10-72 to 30-8-78
in broken periods at Swarup Nagar and Gwaltoli
Branch of the bank. In all he had worked for
689 days.

5. The case of Sunder Lal is that he worked
from 14-7-75 to 5-1-78 and thereafter for five
days in November 78 at Main Branch of the
opposite party. In all he had worked for 378
days.

6. The case of Hari Shanker is that he worked
from 27-4-74 to 16-8-78 in broken periods at
Khapra Mohal Branch of the opposite party for
811 days.

7. The case of Brahm Prakash is that he had
worked from 9-3-72 to 16-12-76 at M. G. Road
Branch total for 446 days in broken periods as
messenger. It is further alleged that they had
performed the job of permanent nature. At some
place they have alleged that they were also enga-
ged as canteen boy as well which period too should
be included in the employment.

8. The reply of management bank is that con-
cerned workmen are not workmen at all. In any
case they will be daily rated workers and were re-
quired to work on contract jobs. In any case it was
further alleged that they were engaged for fixed
period. It was denied that breach of Section 25F,
25G and 25H of I.D. Act have been committed.
After taking evidence of the parties my learned
predecessor by award dated 18-3-86 held that
there has been no breach of Section 25F of I.D.
Act. Any way it was held that there has been
breach of Sections 25G and 25H of I.D. Act,
besides there had been breach of para 522(4) of
Sashtri Award inasmuch as no 14 days notice was
given before termination. Hence order for rein-
statement with back wages was passed.

9. Hon'ble High Court while deciding the afore-
said two writ petitions has confirmed that provi-
sions of Section 25F of I.D. Act were not appli-
cable to them. Thereafter it only dwelt with
provisions of Section 25G of I.D. Act. Nothing
has been observed regarding breach of Section
25H of I.D. Act. As regards Section 25G refe-
rence was made to the case of Kashmir Singh
versus Harvana State Electricity Board 1996 Lab.
I.C. 348 (P&H) in which the guidelines for
applicability of Section 25G of I.D. Act, have
been laid down. By making reference to the
above mentioned Hon'ble High Court had faulted

this Tribunal by observing that while applying the provisions of section 25G this Tribunal had not determined the category of workmen of the concerned workmen to ascertain as to whether person of that very category has been retained in service who might have been junior to him. Further there should be a contract to the contrary in the appointment letter that the services could be terminated by giving one months notice. There is also no finding as to whether engagement was for fixed period. Lastly it was observed in para 29 of the judgment that in any case reinstatement cannot be ordered on a permanent post while the workmen working as daily rated worker. At the most they would be entitled for compensation in case breach of section 25G is found.

9. After remand the management have examined Keshav Saran an officer of the bank as M.W. 1. O. K. Bajpai M.W. 2, Shiv Kumar Gupta M.W.3, Ram Prakash Gupta M.W. 4 and Ram Chandra Mehra M.W. 5. In rebuttal all the workmen namely Horilal, Hari Shanker, Sunder Lal and Brahm Prakash have examined themselves. In I.D. Case No. 235 of 83, R. S. Gupta M.W. 1 and Ram Chandra Mehrotra M.W. 2 have been examined. In rebuttal there is evidence of concerned workman Swarup Narain Pandey W.W.1. Besides the management have filed a number of papers to show the mode of payments and the amount. For applicability of section 25G, the number of working days is not material. Keshav Sharma M.W.1 has made statement for Hori Lal and has stated that he was working as temporary messenger in his branch at Gwaltoli. There was no one else in his category at that time. He does not know any workman Jageshwar Mishra by name.

10. O. K. Bajpai was working at M.G. Marg Branch. He has stated that Brahm Prakash was working as messenger besides he has proved Ext. M-4 to M-15 relating to this workman. Shiv Kumar Gupta M.W.3 is an officer of Khapra Mohal Branch. He has admitted that Harishanker was working as temporary messenger in his branch. He has further proved Ext. M-16 to M-26 establishment charges register. Ram Prakash M.W. 4 and Ram Chandra Mehrotra M.W.5 has stated that Sunder Lal never worked at Civil Lines Branch or at Main Branch of the bank. On the other hand Hori Lal has stated that he has worked as messenger. Chhotey Lal junior to him was retained in

service. Hari Shanker and Sunder Lal have stated that they have worked as messenger but none of them have stated that junior to them were retained in service. Brahm Prakash M.W. 4 has stated that he was working as a peon. He too has not proved that junior to him were retained in service.

11. In I.D. No. 237 of 1983 R. C. Mehrotra M.W. 1 has stated that concerned workman Swarup Narain Pandey was working as job worker at main branch whereas R. S. Gupta M.W. 2 has stated that concerned workman has worked at Nawabganj Branch as temporary water boy. M.W. 1 Swarup Narain Pandey has stated that he had worked as messenger. One Ram Chandra Bajpai was retained in service. In his cross-examination he has stated that he was being paid half wages.

12. With regard to Hari Shanker, Sunder Lal and Brahm Prakash, it is obvious that they have not proved that junior to him were retained in service. Hence provisions of section 25G would not be attracted in their case at all. As regards Horilal it is true that he has stated that Chhotey Lal was retained in service but I am not inclined to accept the evidence of workman as Keshav Sharma M.W.1 has specifically stated that there was none else working as messenger at the time of cessation of working of Horilal. I am also not inclined to accept the version of Swarup Narain Pandey that any one junior to him Ram Chandra by name was working when work was stopped being taken from him. In fact he did not work as a messenger at all. Instead he had worked as temporary waterboy as half wages were admittedly being paid to him. Bank has not adduced any evidence to prove that the engagement of any of the workman was for any limited period. There was no engagement order of any of the concerned workmen, hence it cannot be held that there was any agreement to the contrary in the engagement of these workmen. As such this could not be an impediment in the applicability of section 25G of I.D. Act. Still for the reasons that the concerned workman has failed to prove that any one junior to him was retained in service, I come to the conclusion that there was no breach of section 25 G of I.D. Act in the case of either of the five workmen. My learned predecessor had held that there had been breach of section 25H of I.D. Act as well. Besides there has been breach of section 522(4) of Sashtri Award as well. The finding of my learned predecessor on this issue

has been left untouched by Hon'ble High Court. Hence for the reasons given in the award of my learned predecessor, I once again come to the conclusion that there had been breach of this provision.

13. In view of above finding Hori Lal, Sunder Lal, Hari Shanker and Brahm Prakash will be entitled for reinstatement in the capacity they were working for the last time at their respective places, but they will not be entitled for any back wages. As regards Swarup Narain Pandey, in view of my finding that he was not full fledged employee of the bank hence he will not be entitled for any relief.

14. I award accordingly.

15. Let a copy of this award be placed on the record of I.D. No. 57 of 1984.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 4 जून, 1997

का.आ. 1615.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अध्यक्ष रानी लक्ष्मीबाई ग्रामीण बैंक, झांसी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निश्चित औद्योगिक विवाद में, केन्द्रीय सरकार, औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-6-97 को प्राप्त हुआ था।

[संख्या एल.-12012/102/91-आई आर बी 3/बी-I]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 4th June, 1997

S.O. 1615.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, KANPUR as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Adshyaksh Rani Laxhmibai Gramin Bank, Jhansi and their workman, which was received by the Central Government on the 3-6-1997.

[No. L-12012/102/91-IRB3/B.I.]

P. J. MICHAEL, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 103 of 1991

In the matter of dispute between :

Adshyaksh Rani Laxhmibai

Gramin Bank

Kacheri Crossing Jhansi.

AND

Pratap Singh

Zila Sachiv

U.P. Bank Employees Union

195/1, Out Site Datia Gate,

Near Thapak Bagh Jhansi.

Ex. PARTY AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-12012/102/91-I.R. (B-3) dated 10-7-91 has referred the following dispute for adjudication to this Tribunal :

KYA RANI LAXMIBAI KSHETRIYA GRAMIN BANK JHANSI KE PRABANDAKO DWARA SHRI RAMESH PRASAD YADAV S/O HARIAT RAM YADAV BHOOTPURWA CHAPRASI MIRCHBARA SHAKHA KI SEWAAI FEB. 1987 SE SMAPT KARNE KI KARWAHI NAYOCHIT HAI? YADI NAI TO SAMBANDHIT KARMKAR KIS ANUTHOSH KE HAKDAR HAI?

2. It is unnecessary to give facts of the case, as after exchange of pleading, the concerned workman stopped taking interest in the case and also did not adduce any evidence inspite of repeated opportunities. Hence the reference is answered against the workman for want of prosecution and proof. The concerned workman will not be entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 4 जून, 1997

का.आ. 1616.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार क्षेत्रीय किसान ग्रामीण बैंक, मैनपुर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-6-97 को प्राप्त हुआ था।

[संख्या एल.-12012/118/91-आई आर (बी-III)/बीII]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 4th June, 1997

S.O. 1616.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kshetriya Kisan Gramin Bank. Mainpur and their workman, which was received by the Central Government on the 3rd June, 1997.

[No. L-12012/118/91-IR (B-III)/B.I.]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESID-
ING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL - CUM - LABOUR
COURT, DEOKI PALACE ROAD, PANDU
NAGAR, KANPUR

Industrial Dispute No. 141 of 1992

In the matter of dispute between :

Shri Brijendra Singh Yadav,
C/o Shri V. N. Sekhri,
26/104, Birhana Road,
Kanpur.

AND

The Chairman,
Kshetriya Kisan Gramin Bank,
Kachhari Road,
Mainpur.

AWARD

1. Central Government Ministry of Labour,
New Delhi vide its notification No. L-12012/118/
91-IR. B.III dated 10th September, 1992 has re-
ferred the following dispute for adjudication to this
Tribunal :

Whether the action of the management of
Kshetriya Kisan Gramin Bank in termi-
nating the service of the workman Shri
Brijendra Singh Yadav w.e.f. 1st July,
1983 was justified? If not, to what re-
lief the workman is entitled to?

2. The case of the concerned workman B. S.
Yadav is that he was engaged on 1st December,
1982 as Asstt.-cum-Cashier by the opposite party
Kshetriya Kisan Gramin Bank, Mainpur and con-
tinuously worked upto 30th June, 1983. During
the period from 4th November, 1982 to 12th
February, 1983 he had worked at Head Office.
From 13th February, 1983 to 30th June, 1983 he
had worked at Elawan branch. In this way he had
completed 240 days in a year. Yet he was remov-
ed from service without payment of retrenchment
compensation and notice pay. Beside there had
been breach of Section 25-G of I.D. Act, as Junior
to him like Ved Prakash Pandey and Shiv Raj
Singh, were retained in service. Further breach of
Section 25H has also been alleged.

3. The reply of management is that the appoint-
ment of the concerned workman was for a fixed
period which was extended from time to time. Ulti-
mately his services came to an end by a efflux of
time. It is denied that the concerned workman had
continuously worked. Hence there is no breach of
any provision of law.

4. In the rejoinder nothing new has been said.

5. In support of his case the concerned work-
man B. S. Yadav WW(1) has been examined be-
side there are Ext. W-1 to Ext. W-3 which are
not relevant. In rebuttal there is evidence of
Ashish Kumar MW(1).

6. Ashish Kumar MW(1) has not given any
evidence to show that concerned workman was
appointed for a fixed period. Even appointment
letter, appointing the applicant for fixed period
have not been filed. In its absence I accept the
evidence of workman that he was temporarily ap-
pointed. In this way this case is not covered by
the provision of Section 2(bb)(oo) I.D. Act.

7. Again the concerned workman has not ad-
duced any evidence to bring out his case under
Section 25G and 25H I.D. Act. Hence the termi-
nation is not bad on this score. Lastly it will be
seen by case of the concerned workman is cover-
ed by Section 25F I.D. Act.

8. The concerned workman B. S. Yadav has
stated that he has continuously worked from 1st
November, 1982 to 30th June, 1983 and notice
pay and retrenchment compensation was not given
when he was removed from service. In his cross
examination he has denied that he was appointed
for a fixed period. On the other hand Ashish
Kumar MW(1) the manager of the bank has stat-
ed that the concerned workman had worked for
180 days. In his cross-examination he has stated
that he has given this evidence on the basis of
salary paid register. This register has not been
filed in the court which would have the best evi-
dence to prove the number of working days of
concerned workman. In its absence I am inclined
to draw adverse inference against the management.
According drawing such inference and relying
upon the evidence of B. S. Yadav it is held that
the concerned workman had worked continuously
from 1st November, 1992 to 30th June, 1993 and
in this way he had completed 240 days. Admitted-
ly no retrenchment compensation and notice pay

was given to him. Hence his termination is bad in law.

9. The Authorised Representative of the Bank has referred the case of Karnal Central Cooperative Bank Ltd. V/s. Industrial Tribunal & other Punjab and Haryana High Court, 1944 (69) F.L.R. 1006 in which reinstatement was disallowed as the workman had not completed 240 days in a year. This Ruling will not help to bank as the applicant has been held to have completed 240 days in a year in this case.

10. In the case of U.P. State Road Transport Corporation and the State U.P. and others Allahabad High Court F.L.R. 1992 (64) 675 back wages were denied because of belated reference.

11. Before passing final order it may be mentioned that about 7 or 8 workmen of this very bank whose case was identical to the concerned workman were reinstated with back wages in I.D. No. 243/89. Writ petition was summarily dismissed upholding reinstatement and denying back wages.

12. On the same ground my award is that the concerned workman will be entitled for reinstatement without back wages.

B. K. SRIVASTAVA, Presiding Officer

रोजगार एवं प्रशिक्षण मंत्रालय

नई दिल्ली, 10 जून, 1997

कां.आ. 1617—केन्द्रीय सरकार, केन्द्रीय शिक्षा नियम 1962 के नियम 3 और नियम 4 के साथ पठित शिक्षा अधिनियम, 1961 (1961 का 52) की धारा 24 की उपधारा (1) और उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के श्रम मंत्रालय की अधिसूचना सं. कां.आ. 239 (अ) तारीख 23 मार्च 1995 में निम्नलिखित संशोधन करती है अर्थात् :-

उक्त अधिसूचना में "ख" प्राइवेट सैक्टर स्थापनों में नियोजकों के प्रतिनिधि शीर्षक के नीचे क्रम सं. 1 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित रखा जाएगा अर्थात् :-

"1 श्री राम मोहन बिदावत का सबस्य"
अखिल भारतीय मैन्युफैक्चरर्स संगठन,
जीवन शाहकार,
चौथा तल सर पी.एम. रोड
कोर्ट मुम्बई 400001"

(अखिल भारतीय मैन्युफैक्चरर्स संगठन के प्रतिनिधि)।

[सं. डी.जी.ई.टी.-8/1/93 ए.पी.]]

कृष्णा शर्मा, अवसर सचिव

पाद टिप्पण :-मूल अधिसूचना का आ. सं. 239(अ) दिनांक 23 मार्च, 1995 के द्वारा प्रकाशित की गई थी गुडि पत्र का.आ. सं. 433(अ) दिनांक 10 मई, 1995 के द्वारा प्रकाशित किया गया था और संशोधन कां.आ. सं. 278 दिनांक 12 जनवरी, 1996 का.आ. सं. 390 दिनांक 30 अगस्त, 1996 और सां.कां.नि. सं. 2650 दिनांक 30 अगस्त, 1996 के द्वारा प्रकाशित किए गए थे।

DIRECTORATE GENERAL OF EMPLOYMENT AND TRAINING

New Delhi, the 10th June, 1997

S.O. 1617.—In exercise of powers conferred by sub-section (1) and sub-section (2) of section 24 of the Apprentices Act, 1961 (52 of 1961), read with rules 3 and 4 of the Central Apprenticeship Rules, 1962, the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour No. S.O. 239 (E) dated the 23rd March, 1995 namely :—

In the said notification, under the heading "B" Representatives of Employers in Establishments in the Private Sector", for serial No. 1 and the entry relating thereto, the following shall be substituted, namely :—

"1. Shri Rammohan Bidawtkar, Member,
All India Manufacturers' Organisation,
Jeevan Sahakar,

4th Floor, Sir P.M. Road, Fort, Mumbai-400001."

(Representative of All India Manufacturers Organisation).

[No. DGET 8/1/93-AP.]

KRISHNA SHARMA, Under Secy.

Foot Note.—The principal notification was published vide S.O. No. 239(E) dated 23-3-95, corrigendum published vide S.O. No. 433(E) dated 10-5-95, amendment published vide S.O. No. 278, dated 12-1-96, S.O. No. 390 dated 30-8-96 and GSR No. 2650 dated 30-8-96.

नई दिल्ली, 12 जून, 1997

कां.आ. 1618.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या कां.आ. 38 दिनांक 13 दिसम्बर, 1996 द्वारा किसी भी सेवा क्षेत्र में सेवा को उक्त अधिनियम के प्रयोजनों

के लिए 14 दिसम्बर 1996 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उपखंड (VI) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 14 जून, 1997 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं० एस-11017/10/97/ओ०सं०-(नी०बि०)]
हरीचन्द गुप्ता, अवर सचिव

New Delhi, the 12th June, 1997

S.O. 1618.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 38 dated 13th December, 1996, the Service in any Oil field to be a public utility service for the purpose of the said Act, for a period of six months from the 14th December, 1996 :

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months :

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 14th June, 1997.

[No. S-11017/10/97-JR(PL)]
H. C. GUPTA, Under Secy.

नई दिल्ली, 13 जून, 1997

का०आ०-1619 केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उपखंड (6) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का०आ० 39 दिनांक 13 दिसम्बर, 1996 द्वारा लाम्बा खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 5 जनवरी, 1997 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 5 जुलाई, 1997 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं० एस०-11017/11/97-आई०आर०, (नीति. विधि)]
एच० सी० गुप्ता, अवर सचिव

New Delhi, the 13th June, 1997

S.O. 1619.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. 39 dated 13th December, 1996 the Copper Mining Industry to be a public utility service for the purpose of the said Act, for a period of six months from the 5th January, 1997;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 5th July, 1997.

[No. S-11017/11/97-JR(PL)]
H. C. GUPTA, Under Secy.

नई दिल्ली, 12 जून, 1997

का०आ० 1620—कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 5-कक के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सरकार भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से उक्त अधिनियम के अधीन गठित कार्यकारी समिति में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का०आ० 518, दिनांक 7 फरवरी, 1994 के तहत नियुक्त व्यक्तियों के स्थान पर निम्नलिखित व्यक्तियों को नियुक्त करती है :—

अध्यक्ष

(क) धारा 5-कक की उप-धारा (2) के खंड (क), के अधीन नियुक्त।

1. सचिव, भारत सरकार, श्रम मंत्रालय, नई दिल्ली

(ख) धारा 5-कक की उपधारा (2) के खंड (ख) के अधीन नियुक्त ।

2. अवर सचिव, भारत सरकार, श्रम मंत्रालय, नई दिल्ली ।

3. वित्तीय सलाहकार, श्रम मंत्रालय, भारत सरकार, नई दिल्ली ।

(ग) धारा 5-कक की उपधारा (2) के खंड (ग) के अधीन नियुक्त ।

4. सचिव, असम सरकार, श्रम विभाग, दिसपुर ।

5. सचिव, राजस्थान सरकार, श्रम विभाग, जयपुर ।

6. सचिव, तमिलनाडु सरकार, श्रम एवं नियोजन विभाग, चेन्नई ।

(घ) धारा 5-कक की उपधारा (2) के खंड (घ) के अधीन केन्द्रीय बोर्ड द्वारा चयनित :

7. श्री ए० एस० कसलीवाल, व० उपाध्यक्ष, एफ० आई० सी०सी० आई० और चैयरमैन,

मै० एस० कुमार इन्टरप्राइजेज (सिनफेब्र) प्रा० लि०, निरंजन बिल्डिंग, 99, मैरीन ड्राइव, मुम्बई-400002

8. श्री पी०बी० दुग्गल, ई-222, न्यू राजेंद्र नगर, नई दिल्ली ।

9. श्री एन. कन्नन, सचिव, वरिष्ठी भारत नियोजन परिषद कस्मशी सेंटर, 498, अन्ना सलाई, मद्रास-600035 ।

(ङ) धारा 5-कक की उपधारा (2) के खंड (ङ) के अधीन केन्द्रीय बोर्ड द्वारा चयनित ।

10. श्री प्रवृत्त सिन्हा,

उपाध्यक्ष, आल इंडिया ट्रेड यूनियन कांग्रेस, एकता भवन, पुरलीघर, अमृतसर ।

11. श्री जी० संजीवा रेड्डी,
अध्यक्ष, इंडियन नेशनल ट्रेड यूनियन कांग्रेस,
6/बी लाई, बरकतपुरा,
हैदराबाद-500027

12. श्री ए० कैटराम, अध्यक्ष भारतीय उपाध्यक्ष,
भारतीय मजदूर संघ, कर्नाटक राज्य,
सूबेदार, चेताराम रोड, बंगलूर, 560009

(च) धारा 5-कक की उपधारा (2) के खंड (च) के अधीन नियुक्त ।

13. केन्द्रीय भविष्य निधि आपूर्त, कर्मचारी भविष्य निधि संगठन, हुडको विशाला, 14, नीकाजी कामा प्लेस, नई दिल्ली-110066 ।

[सं० बी०-20012/2)/97-एस०एस०-II]

जे० पी० शुक्ला, अवर सचिव

New Delhi, the 12th June, 1997

S.O. 1620.—In exercise of the powers conferred by section 5AA of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints with effect from the date of publication of this notification in the Gazette of India, the following persons to the Executive Committee constituted under the said Act in place of persons appointed vide S.O. No. 518, dated 7th February, 1994, namely :—

CHAIRMAN

(a) Appointed under clause (a) of sub-section (2) of section 5AA.

1. Secretary to the Government of India, Ministry of Labour, New Delhi.

(b) Appointed under clause (b) of sub-section (2) of section 5AA.

2. Additional Secretary to the Government of India, Ministry of Labour, New Delhi.

3. Financial Adviser, Ministry of Labour, Government of India, New Delhi.

(c) Appointed under clause (c) of sub-section (2) of section 5AA.

4. Secretary to the Government of Assam, Labour Department, Dispur.

5. Secretary to the Government of Rajasthan, Labour Department, Jaipur.

6. Secretary to the Government of Tamil Nadu, Labour and Employment Department, Chennai.

(d) Elected by the Central Board under clause (d) of sub-section (2) of section 5AA.

7. Shri A. S. Kasliwal, Sr. Vice-President, FICCI & Chairman, M/s. S. Kumar Enterprises (Synfabs) Private Limited, Niranjana Building, 99, Marine Drive Mumbai-400002.

8. Shri P. B. Duggal,
E-222, New Rajinder Nagar,
New Delhi.

9. Shri N. Kannan,
Secretary, Employees Federation of Southern India,
Karmuttu Centre, 498, Anna Salai,
Chennai-600035.

(e) Elected by Central Board under clause (c) of sub-section (2), of Section 5AA.

(10) Shri Parduman Singh,
Vice President,
All India Trade Union Congress,
Ekta Bhavan, Putlighar, Amritsa .

(11) Shri G. Sanjeeva Reddy,
President, Indian National Trade Union Congress,
6/B Ligh Barkatpura,
Hyderabad-500027.

(12) Shri A. Venkatram, All India Vice President,
B.M.S. Karnataka State,
Subedar Chatram Road, Bangalore-560009.

(f) Appointment under clause (f) of sub-section (2) of section 5AA.

13. Central Provident Fund Commissioner,
Employees Provident Fund Organisation,
Judeo Vishala, 14 Bhikaji Cama Place,
New Delhi-110066.

[No. V-20012/2/97-SS.II]

J. P. SHUKLA, Under Secy.

